
HOUSE BILL 1509

State of Washington **53rd Legislature** **1993 Regular Session**

By Representatives Locke, Sommers, Silver, Jacobsen, Ludwig and Bray

Read first time 01/29/93. Referred to Committee on Appropriations.

1 AN ACT Relating to increasing flexibility of institutions of higher
2 education to manage personnel, construction, purchasing, printing, and
3 tuition; amending RCW 43.19.190, 43.19.1906, 43.78.030, 43.78.100,
4 43.78.110, 28B.50.330, 28B.10.350, 28B.10.355, 39.04.020, 39.04.150,
5 28B.15.031, 28B.15.067, 28B.15.070, 28B.15.202, 28B.15.402, 28B.15.502,
6 41.56.100, 28B.16.040, 28B.16.100, and 28B.16.200; reenacting and
7 amending RCW 41.56.030; adding a new section to chapter 28B.10 RCW;
8 adding a new section to chapter 43.78 RCW; adding a new section to
9 chapter 39.04 RCW; adding a new section to chapter 28B.15 RCW; adding
10 new sections to chapter 41.56 RCW; adding a new section to chapter
11 28B.16 RCW; creating new sections; repealing RCW 28B.15.824 and
12 28B.16.230; making an appropriation; providing an effective date; and
13 declaring an emergency.

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

15 NEW SECTION. **Sec. 1.** The legislature acknowledges the academic
16 freedom of institutions of higher education, and seeks to improve their
17 efficiency and effectiveness in carrying out their missions. By this
18 act, the legislature intends to increase the flexibility of

1 institutions of higher education to manage personnel, construction,
2 purchasing, printing, and tuition.

3 **PART I**

4 **PURCHASING, PRINTING, AND CONSTRUCTION AUTHORITY**

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

7 (1) An institution of higher education may exercise independently
8 those powers otherwise granted to the director of general
9 administration in chapter 43.19 RCW in connection with the purchase and
10 disposition of all material, supplies, services, and equipment needed
11 for the support, maintenance, and use of the respective institution of
12 higher education. Purchasing policies and procedures followed by
13 institutions of higher education shall be in compliance with chapters
14 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, and
15 43.19.1911. Any institution of higher education that chooses to
16 exercise independent purchasing authority shall notify the director of
17 general administration. Thereafter the director of general
18 administration shall not be required to provide those services for that
19 institution.

20 (2) An institution of higher education may exercise independently
21 those powers otherwise granted to the public printer in chapter 43.78
22 RCW in connection with the production or purchase of any printing and
23 binding needed by the respective institution of higher education.
24 Purchasing policies and procedures followed by institutions of higher
25 education shall be in compliance with chapter 39.19 RCW. Any
26 institution of higher education that chooses to exercise independent
27 printing production or purchasing authority shall notify the public
28 printer. Thereafter the public printer shall not be required to
29 provide those services for that institution.

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

32 The director of general administration, through the state
33 purchasing and material control director, shall:

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

1 (2) Purchase all material, supplies, services, and equipment needed
2 for the support, maintenance, and use of all state institutions,
3 colleges, community colleges, technical colleges, college districts,
4 and universities, the offices of the elective state officers, the
5 supreme court, the court of appeals, the administrative and other
6 departments of state government, and the offices of all appointive
7 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
8 through 43.19.1937 do not apply in any manner to the operation of the
9 state legislature except as requested by said legislature: PROVIDED,
10 That primary authority for the purchase of specialized equipment,
11 instructional, and research material for their own use shall rest with
12 the colleges, community colleges, and universities: PROVIDED FURTHER,
13 That universities operating hospitals and the state purchasing and
14 material control director, as the agent for state hospitals as defined
15 in RCW 72.23.010, and for health care programs provided in state
16 correctional institutions as defined in RCW 72.65.010(3) and veterans'
17 institutions as defined in RCW 72.36.010 and 72.36.070, may make
18 purchases for hospital operation by participating in contracts for
19 materials, supplies, and equipment entered into by nonprofit
20 cooperative hospital ((service)) group purchasing organizations ((as
21 defined in section 501(e) of the Internal Revenue Code, or its
22 successor)): PROVIDED FURTHER, That primary authority for the purchase
23 of materials, supplies, and equipment for resale to other than public
24 agencies shall rest with the state agency concerned: PROVIDED FURTHER,
25 That authority to purchase services as included herein does not apply
26 to personal services as defined in chapter 39.29 RCW, unless such
27 organization specifically requests assistance from the division of
28 purchasing in obtaining personal services and resources are available
29 within the division to provide such assistance: PROVIDED FURTHER, That
30 the authority for the purchase of insurance and bonds shall rest with
31 the risk manager under RCW 43.19.1935 (((as now or hereafter amended))):
32 PROVIDED FURTHER, That, except for the authority of the risk manager to
33 purchase insurance and bonds, the director is not required to provide
34 purchasing services for institutions of higher education that choose to
35 exercise independent purchasing authority under section 101 of this
36 act;

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

1 (4) Have authority to delegate to state agencies authorization to
2 purchase or sell, which authorization shall specify restrictions as to
3 dollar amount or to specific types of material, equipment, services,
4 and supplies: PROVIDED, That acceptance of the purchasing
5 authorization by a state agency does not relieve such agency from
6 conformance with other sections of RCW 43.19.190 through 43.19.1939,
7 (~~as now or hereafter amended,~~) or from policies established by the
8 director after consultation with the state supply management advisory
9 board: PROVIDED FURTHER, That delegation of such authorization to a
10 state agency, including an educational institution to which this
11 section applies, to purchase or sell material, equipment, services, and
12 supplies shall not be granted, or otherwise continued under a previous
13 authorization, if such agency is not in substantial compliance with
14 overall state purchasing and material control policies as established
15 herein;

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

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

21 (7) Prescribe the manner in which supplies, materials, and
22 equipment purchased through the division shall be delivered, stored,
23 and distributed;

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

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

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

31 (11) Prepare rules and regulations governing the relationship and
32 procedures between the division of purchasing and state agencies and
33 vendors;

34 (12) Publish procedures and guidelines for compliance by all state
35 agencies, including those educational institutions to which this
36 section applies, which implement overall state purchasing and material
37 control policies;

38 (13) Conduct periodic visits to state agencies, including those
39 educational institutions to which this section applies, to determine if

1 statutory provisions and supporting purchasing and material control
2 policies are being fully implemented, and based upon such visits, take
3 corrective action to achieve compliance with established purchasing and
4 material control policies under existing statutes when required.

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

7 Insofar as practicable, all purchases and sales shall be based on
8 competitive bids, and a formal sealed bid procedure shall be used as
9 standard procedure for all purchases and contracts for purchases and
10 sales executed by the state purchasing and material control director
11 and under the powers granted by RCW 43.19.190 through 43.19.1939(~~as~~
12 ~~now or hereafter amended~~). This requirement also applies to purchases
13 and contracts for purchases and sales executed by agencies, including
14 educational institutions, under delegated authority granted in
15 accordance with provisions of RCW 43.19.190 (~~as now or hereafter~~
16 ~~amended~~) or under section 101 of this act. However, formal sealed
17 bidding is not necessary for:

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

21 (2) Purchases not exceeding five thousand dollars, or subsequent
22 limits as calculated by the office of financial management: PROVIDED,
23 That the state director of general administration shall establish
24 procedures to assure that purchases made by or on behalf of the various
25 state agencies shall not be made so as to avoid the five thousand
26 dollar bid limitation, or subsequent bid limitations as calculated by
27 the office of financial management: PROVIDED FURTHER, That the state
28 purchasing and material control director is authorized to reduce the
29 formal sealed bid limits of five thousand dollars, or subsequent limits
30 as calculated by the office of financial management, to a lower dollar
31 amount for purchases by individual state agencies, including purchases
32 of specialized equipment, instructional, and research equipment and
33 materials by colleges and universities, if considered necessary to
34 maintain full disclosure of competitive procurement or otherwise to
35 achieve overall state efficiency and economy in purchasing and material
36 control. Quotations from four hundred dollars to five thousand
37 dollars, or subsequent limits as calculated by the office of financial
38 management, shall be secured from enough vendors to assure

1 establishment of a competitive price and may be obtained by telephone
2 or written quotations, or both. Immediately after the award is made,
3 the bid quotations obtained shall be recorded and open to public
4 inspection and shall be available by telephone inquiry. A record of
5 competition for all such purchases from four hundred dollars to five
6 thousand dollars, or subsequent limits as calculated by the office of
7 financial management, shall be documented for audit purposes on a
8 standard state form approved by the forms management center under the
9 provisions of RCW 43.19.510. Purchases up to four hundred dollars may
10 be made without competitive bids based on buyer experience and
11 knowledge of the market in achieving maximum quality at minimum cost:
12 PROVIDED, That this four hundred dollar direct buy limit without
13 competitive bids may be increased incrementally as required to a
14 maximum of eight hundred dollars with the approval of at least ten of
15 the members of the state supply management advisory board, if warranted
16 by increases in purchasing costs due to inflationary trends;

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

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

23 (5) Purchases and contracts for vocational rehabilitation clients
24 of the department of social and health services: PROVIDED, That this
25 exemption is effective only when the state purchasing and material
26 control director, after consultation with the director of the division
27 of vocational rehabilitation and appropriate department of social and
28 health services procurement personnel, declares that such purchases may
29 be best executed through direct negotiation with one or more suppliers
30 in order to expeditiously meet the special needs of the state's
31 vocational rehabilitation clients;

32 (6) Purchases by universities for hospital operation or biomedical
33 teaching or research purposes and by the state purchasing and material
34 control director, as the agent for state hospitals as defined in RCW
35 72.23.010, and for health care programs provided in state correctional
36 institutions as defined in RCW 72.65.010(3) and veterans' institutions
37 as defined in RCW 72.36.010 and 72.36.070, made by participating in
38 contracts for materials, supplies, and equipment entered into by
39 nonprofit cooperative hospital ((service)) group purchasing

1 organizations ((as defined in section 501(e) of the Internal Revenue
2 Code, or its successor));

3 (7) Purchases by institutions of higher education not exceeding
4 fifteen thousand dollars ((that are funded by research grant or
5 contract funds, or other nonstate appropriated funds)): PROVIDED, That
6 for purchases between two thousand five hundred dollars and fifteen
7 thousand dollars quotations shall be secured from enough vendors to
8 assure establishment of a competitive price and may be obtained by
9 telephone or written quotations, or both. A record of competition for
10 all such purchases made from two thousand five hundred to fifteen
11 thousand dollars shall be documented for audit purposes ((on a standard
12 state form approved by the forms management center under provisions of
13 RCW 43.19.510)); and

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

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

24 The public printer shall print and bind the session laws, the
25 journals of the two houses of the legislature, all bills, resolutions,
26 documents, and other printing and binding of either the senate or
27 house, as the same may be ordered by the legislature; and such forms,
28 blanks, record books, and printing and binding of every description as
29 may be ordered by all state officers, boards, commissions, and
30 institutions, and the supreme court, and the court of appeals and
31 officers thereof, as the same may be ordered on requisition, from time
32 to time, by the proper authorities. This section shall not apply to
33 the printing of the supreme court and the court of appeals reports,
34 ((or)) to the printing of bond certificates or bond offering disclosure
35 documents, or to any printing done or contracted for by institutions of
36 higher education. Where any institution or institution of higher
37 learning of the state is or may become equipped with facilities for
38 doing such work, it may do any printing: (1) For itself, or (2) for

1 any other state institution when such printing is done as part of a
2 course of study relative to the profession of printer. Any printing
3 and binding of whatever description as may be needed by any
4 (~~institution of higher learning,~~) institution or agency of the state
5 department of social and health services not at Olympia, or the supreme
6 court or the court of appeals or any officer thereof, the estimated
7 cost of which shall not exceed one thousand dollars, may be done by any
8 private printing company in the general vicinity within the state of
9 Washington so ordering, if in the judgment of the officer of the agency
10 so ordering, the saving in time and processing justifies the award to
11 such local private printing concern. (~~Further, where any printing or
12 binding needed by an institution of higher education is to be paid for
13 from research grant or contract funds, short course revenues, or other
14 nonstate appropriated funding source, such printing or binding may be
15 done by any private printing company in the state of Washington,
16 irrespective of the dollar limit specified in this section, when in the
17 judgment of the officer of the institution so ordering, the saving in
18 time or cost justifies the award to such local private printing
19 concern.))~~

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

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

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

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

35 The public printer shall furnish all paper, stock, and binding
36 materials required in all public work, and shall charge the same to the
37 state, as it is actually used, at the actual price at which it was

1 purchased plus five percent for waste, insurance, storage, and
2 handling. This section does not apply to institutions of higher
3 education.

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

6 Whenever in the judgment of the public printer certain printing,
7 ruling, binding, or supplies can be secured from private sources more
8 economically than by doing the work or preparing the supplies in the
9 state printing plant, ((he)) the public printer may obtain such work or
10 supplies from such private sources. ~~((The public printer shall notify
11 day training centers, group training homes, and sheltered workshops
12 providing printing and related trade services under RCW 43.19.532 of
13 the opportunity to bid on the provision of such work or supplies under
14 this section.))~~

15 In event any work or supplies are secured on behalf of the state
16 under this section the state printing plant shall be entitled to add up
17 to five percent to the cost thereof to cover the handling of the orders
18 which shall be added to the bills and charged to the respective
19 authorities ordering the work or supplies. The five percent handling
20 charge shall not apply to contracts with institutions of higher
21 education.

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

24 The boards of trustees of college districts are empowered in
25 accordance with the provisions of this chapter to provide for the
26 construction, reconstruction, erection, equipping, demolition, and
27 major alterations of buildings and other capital assets, and the
28 acquisition of sites, rights-of-way, easements, improvements, or
29 appurtenances for the use of the aforementioned colleges as authorized
30 by the college board in accordance with RCW 28B.50.140; to be financed
31 by bonds payable out of special funds from revenues hereafter derived
32 from income received from such facilities, gifts, bequests, or grants,
33 and such additional funds as the legislature may provide, and payable
34 out of a bond retirement fund to be established by the respective
35 district boards in accordance with rules and regulations of the state
36 board. With respect to building, improvements, or repairs, or other
37 work, where the estimated cost exceeds ((fifteen)) fifty thousand

1 dollars or subsequent limits as calculated by the office of financial
2 management pursuant to section 113 of this act, complete plans and
3 specifications for such work shall be prepared (~~((and such work shall be~~
4 ~~prepared))~~) and such work shall be put out for public bids and the
5 contract shall be awarded to the lowest responsible bidder if in
6 accordance with the bid specifications: PROVIDED, That any project
7 regardless of dollar amount may be put to public bid.

8 Where the estimated cost to any college of any building,
9 improvements, or repairs, or other work, is less than (~~((five))~~) fifty
10 thousand dollars or subsequent limits as calculated by the office of
11 financial management pursuant to section 113 of this act, the
12 publication requirements of RCW 39.04.020 (~~((and 39.04.070))~~) shall be
13 inapplicable.

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

16 (1) When the cost to The Evergreen State College, any regional
17 university, or state university, of any building, construction,
18 renovation, remodeling, or demolition other than maintenance or repairs
19 will equal or exceed the sum of (~~((twenty-five))~~) fifty thousand dollars
20 or subsequent limits as calculated by the office of financial
21 management pursuant to section 113 of this act, complete plans and
22 specifications for such work shall be prepared and such work shall be
23 put out for public bids and the contract shall be awarded to the lowest
24 responsible bidder if in accordance with the bid specifications:
25 PROVIDED, That when the estimated cost of such building, construction,
26 renovation, remodeling, or demolition equals or exceeds the sum of
27 (~~((twenty-five))~~) fifty thousand dollars or subsequent limits as
28 calculated by the office of financial management pursuant to section
29 113 of this act, such project shall be deemed a public works and "the
30 prevailing rate of wage," under chapter 39.12 RCW shall be applicable
31 thereto: PROVIDED FURTHER, That when such building, construction,
32 renovation, remodeling, or demolition involves one trade or craft area
33 and the estimated cost exceeds (~~((ten))~~) twenty thousand dollars or
34 subsequent limits as calculated by the office of financial management
35 pursuant to section 113 of this act, complete plans and specifications
36 for such work shall be prepared and such work shall be put out for
37 public bids, and the contract shall be awarded to the lowest
38 responsible bidder if in accordance with the bid specifications. This

1 subsection shall not apply when a contract is awarded by the small
2 works procedure authorized in RCW 28B.10.355.

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

6 (3) Where the estimated cost to The Evergreen State College, any
7 regional university, or state university of any building,
8 construction, renovation, remodeling, or demolition is less than
9 ~~((twenty-five))~~ fifty thousand dollars or subsequent limits as
10 calculated by the office of financial management pursuant to section
11 113 of this act or the contract is awarded by the small works procedure
12 authorized in RCW 28B.10.355, the publication requirements of RCW
13 39.04.020 ~~((and 39.04.090))~~ shall be inapplicable.

14 (4) In the event of any emergency when the public interest or
15 property of The Evergreen State College, regional university, or state
16 university would suffer material injury or damage by delay, the
17 president of such college or university may declare the existence of
18 such an emergency and reciting the facts constituting the same may
19 waive the requirements of this section with reference to any contract
20 in order to correct the condition causing the emergency: PROVIDED,
21 That an "emergency," for the purposes of this section, means a
22 condition likely to result in immediate physical injury to persons or
23 to property of such college or university in the absence of prompt
24 remedial action or a condition which immediately impairs the
25 institution's ability to perform its educational obligations.

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

28 Each board of regents of the state universities and each board of
29 trustees of the regional universities and The Evergreen State College
30 may establish a small works roster. The small works roster authorized
31 by this section may be used for any public works project for which the
32 estimated cost is less than ~~((fifty))~~ one hundred thousand dollars or
33 subsequent limits as calculated by the office of financial management
34 pursuant to section 113 of this act. Each board shall adopt rules to
35 implement this section.

36 The roster shall be composed of all responsible contractors who
37 have requested to be on the list. Each board shall establish a
38 procedure for securing telephone or written quotations from the

1 contractors on the small works roster to assure establishment of a
2 competitive price and for awarding contracts to the lowest responsible
3 bidder. This procedure shall require either that a good faith effort
4 be made to request quotations from all contractors on the small works
5 roster who have indicated the capability of performing the kind of
6 public works being contracted or that the board shall solicit
7 quotations from at least five contractors in a manner that will
8 equitably distribute the opportunity among contractors on the roster.
9 Immediately after an award is made, the bid quotations obtained shall
10 be recorded, open to public inspection and available by telephone
11 inquiry. Each board may adopt a procedure to prequalify contractors
12 for inclusion on the small works roster. No board may be required to
13 make available for public inspection or copying under chapter 42.17 RCW
14 financial information required to be provided by the prequalification
15 procedure.

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

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

22 Whenever the state((~~7~~)) or any municipality shall determine that
23 any public work is necessary to be done, it shall cause plans,
24 specifications, or both thereof and an estimate of the cost of such
25 work to be made and filed in the office of the director, supervisor,
26 commissioner, trustee, board, or agency having by law the authority to
27 require such work to be done. The plans, specifications, and estimates
28 of cost shall be approved by the director, supervisor, commissioner,
29 trustee, board, or agency and the original draft or a certified copy
30 filed in such office before further action is taken.

31 If the state((~~7~~)) or such municipality shall determine that it is
32 necessary or advisable that such work shall be executed by any means or
33 method other than by contract or by a small works roster process, and
34 it shall appear by such estimate that the probable cost of executing
35 such work will exceed the sum of fifteen thousand dollars or subsequent
36 limits as calculated by the office of financial management pursuant to
37 section 113 of this act, or the amounts specified in RCW 28B.10.350 or
38 28B.10.355 for colleges and universities, or the amounts specified in

1 RCW 28B.50.330 or 39.04.150 for community colleges and technical
2 colleges, then the state or such municipality shall at least fifteen
3 days before beginning work cause such estimate, together with a
4 description of the work, to be published at least once in a legal
5 newspaper of general circulation published in or as near as possible to
6 that part of the county in which such work is to be done: PROVIDED,
7 That when any emergency shall require the immediate execution of such
8 public work, upon a finding of the existence of such emergency by the
9 authority having power to direct such public work to be done and duly
10 entered of record, publication of description and estimate may be made
11 within seven days after the commencement of the work.

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

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

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

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

27 (4) Construction, repair, or alteration projects estimated to cost
28 less than fifty thousand dollars, or less than one hundred thousand
29 dollars for projects managed by the department of general
30 administration for community colleges and technical colleges, as
31 defined under chapter 28B.50 RCW, or subsequent limits as calculated by
32 the office of financial management pursuant to section 113 of this act,
33 are exempt from the requirement that the contracts be awarded after
34 advertisement and competitive bid as defined by RCW 39.04.010. In lieu
35 of advertisement and competitive bid, the agency shall solicit at least
36 five quotations, confirmed in writing, from contractors chosen by
37 random number generated by computer from the contractors on the small
38 works roster for the category of job type involved and shall award the

1 work to the party with the lowest quotation or reject all quotations.
2 If the agency is unable to solicit quotations from five qualified
3 contractors on the small works roster for a particular project, then
4 the project shall be advertised and competitively bid. The agency
5 shall solicit quotations randomly from contractors on the small works
6 roster in a manner which will equitably distribute the opportunity for
7 these contracts among contractors on the roster: PROVIDED, That
8 whenever possible, the agency shall invite at least one proposal from
9 a minority contractor who shall otherwise qualify to perform such work.
10 Immediately after an award is made, the bid quotations obtained shall
11 be recorded, open to public inspection, and available by telephone
12 request.

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

17 (6) The director of general administration shall adopt by rule a
18 procedure to prequalify contractors for inclusion on the small works
19 roster. Each agency shall follow the procedure adopted by the director
20 of general administration. No agency shall be required to make
21 available for public inspection or copying under chapter 42.17 RCW
22 financial information required to be provided by the prequalification
23 procedure.

24 (7) An agency may adopt by rule procedures to implement this
25 section which shall not be inconsistent with the procedures adopted by
26 the director of the department of general administration pursuant to
27 subsection (6) of this section.

28 NEW SECTION. **Sec. 113.** A new section is added to chapter 39.04
29 RCW to read as follows:

30 Beginning on July 1, 1995, and July 1 of each succeeding odd-
31 numbered year, the dollar limits specified in RCW 28B.50.330,
32 28B.10.350, 28B.10.355, 39.04.020, and 39.04.150 shall be adjusted as
33 follows: The office of financial management shall calculate such
34 limits by adjusting the previous biennium limits by the appropriate
35 construction inflationary index, reflecting the rate of inflation for
36 the previous biennium. Such amounts shall be rounded to the nearest
37 one hundred dollars.

PART II

LOCAL TUITION AUTHORITY

1
2
3 **Sec. 201.** RCW 28B.15.031 and 1987 c 15 s 2 are each amended to
4 read as follows:

5 The term "operating fees" as used in this chapter shall include the
6 fees, other than building fees, charged all students registering at the
7 state's colleges and universities but shall not include fees for short
8 courses, self-supporting degree credit programs and courses, marine
9 station work, experimental station work, correspondence or extension
10 courses, and individual instruction and student deposits or rentals,
11 disciplinary and library fines, which colleges and universities shall
12 have the right to impose, laboratory, gymnasium, health, and student
13 activity fees, or fees, charges, rentals, and other income derived from
14 any or all revenue producing lands, buildings and facilities of the
15 colleges or universities heretofore or hereafter acquired, constructed
16 or installed, including but not limited to income from rooms,
17 dormitories, dining rooms, hospitals, infirmaries, housing or student
18 activity buildings, vehicular parking facilities, land, or the
19 appurtenances thereon, or such other special fees as may be established
20 by any college or university board of trustees or regents from time to
21 time. All moneys received as operating fees at any institution of
22 higher education shall be ~~((transmitted to the state treasurer within
23 thirty-five days of receipt to be deposited in the state general fund))~~
24 deposited in a local account containing only operating fees revenue and
25 related interest: PROVIDED, That two and one-half percent of ~~((moneys
26 received as))~~ operating fees ~~((be exempt from such deposit and))~~ shall
27 be retained by the institutions for the purposes of RCW 28B.15.820~~((÷
28 PROVIDED FURTHER, That money received by institutions of higher
29 education from the periodic payment plan authorized by RCW 28B.15.411
30 shall be transmitted to the state treasurer within five days following
31 the close of registration of the appropriate quarter or semester))~~.

32 **Sec. 202.** RCW 28B.15.067 and 1992 c 231 s 4 are each amended to
33 read as follows:

34 (1) ~~((Tuition fees shall be established and adjusted annually under
35 the provisions of this chapter beginning with the 1987-88 academic
36 year. Such fees shall be identical, subject to other provisions of
37 this chapter, for students enrolled at either state university, for~~

1 ~~students enrolled at the regional universities and The Evergreen State~~
2 ~~College and for students enrolled at any community college. Tuition~~
3 ~~fees shall reflect the undergraduate and graduate educational costs of~~
4 ~~the state universities, the regional universities and the community~~
5 ~~colleges, respectively, in the amounts prescribed in this chapter.))~~ By
6 July 1st of each year, the governing boards of the state universities,
7 the regional universities, The Evergreen State College, and the state
8 board for community and technical colleges shall set tuition fees and
9 student services and activities fees of the respective institutions,
10 subject to any minimum and maximum tuition fee amounts established and
11 adjusted annually by the higher education coordinating board under the
12 provisions of this chapter. Rates may vary by term.

13 (2) By July 1st of each year, each institution of higher education
14 and the state board for community and technical colleges shall report
15 the following to the higher education coordinating board: (a) Annual
16 tuition rates in effect beginning with the subsequent fall term; and
17 (b) steps taken to ensure that resident graduate and resident
18 professional students are not denied access due to a lack of financial
19 aid if resident graduate or resident professional rates are raised
20 above the minimum amounts established and adjusted annually by the
21 higher education coordinating board under the provisions of this
22 chapter.

23 (3) The tuition fees established under this chapter shall not apply
24 to high school students enrolling in community colleges under RCW
25 28A.600.300 through 28A.600.395.

26 **Sec. 203.** RCW 28B.15.070 and 1992 c 231 s 5 are each amended to
27 read as follows:

28 (1) The higher education coordinating board, in consultation with
29 the house of representatives and senate committees responsible for
30 higher education, the respective fiscal committees of the house of
31 representatives and senate, the office of financial management, and the
32 state institutions of higher education, shall develop by December of
33 every fourth year beginning in 1989, definitions, criteria, and
34 procedures for determining the undergraduate and graduate educational
35 costs for the state universities, regional universities, and community
36 colleges upon which minimum and maximum tuition fees will be based.

37 (2) Every four years, the state institutions of higher education in
38 cooperation with the higher education coordinating board shall perform

1 an educational cost study pursuant to subsection (1) of this section.
2 The study shall be conducted based on every fourth academic year
3 beginning with 1989-90. Institutions shall complete the studies within
4 one year of the end of the study year and report the results to the
5 higher education coordinating board for consolidation, review, and
6 distribution.

7 (3) In order to conduct the study required by subsection (2) of
8 this section, the higher education coordinating board, in cooperation
9 with the institutions of higher education, shall develop a methodology
10 that requires the collection of comparable educational cost data, which
11 utilizes a faculty activity analysis or similar instrument.

12 (4) Beginning with the 1993-94 academic year, based on the most
13 recent cost study, the higher education coordinating board shall
14 determine annual minimum and maximum tuition fees.

15 **Sec. 204.** RCW 28B.15.202 and 1992 c 231 s 7 are each amended to
16 read as follows:

17 Minimum and maximum tuition fees and maximum services and
18 activities fees at the University of Washington and at Washington State
19 University for other than the summer term shall be as follows:

20 (1) For full time resident undergraduate students and all other
21 full time resident students not in graduate study programs or enrolled
22 in programs leading to the degrees of doctor of medicine, doctor of
23 dental surgery, and doctor of veterinary medicine, the maximum total
24 tuition fees shall be (~~((thirty-three percent))~~) one-third of the per
25 student undergraduate educational costs at the state universities
26 computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That
27 the building fees for each academic year shall be (~~((one hundred and~~
28 ~~twenty dollars))~~) six percent of total tuition fees.

29 (2) For full time resident graduate and law students not enrolled
30 in programs leading to the degrees of doctor of medicine, doctor of
31 dental surgery, and doctor of veterinary medicine, the minimum total
32 tuition fees shall be twenty-three percent of the per student graduate
33 educational costs at the state universities computed as provided in RCW
34 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each
35 academic year shall be (~~((one hundred and twenty dollars))~~) four percent
36 of total tuition fees. Tuition rates may vary by program.

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 minimum total tuition fees shall be one
2 hundred sixty-seven percent of (~~such~~) the minimum fees charged in
3 subsection (2) of this section: PROVIDED, That the building fees for
4 each academic year shall be (~~three hundred and forty two dollars~~) six
5 percent of total tuition fees. Tuition rates may vary by program.

6 (4) For full time nonresident undergraduate students and such other
7 full time nonresident students not in graduate study programs or
8 enrolled in programs leading to the degrees of doctor of medicine,
9 doctor of dental surgery, or doctor of veterinary medicine, the total
10 minimum tuition fees shall be one hundred percent of the per student
11 undergraduate educational costs at the state universities computed as
12 provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building
13 fees for each academic year shall be (~~three hundred and fifty four~~
14 ~~dollars~~) six percent of total tuition fees.

15 (5) For full time nonresident graduate and law students not
16 enrolled in programs leading to the degrees of doctor of medicine,
17 doctor of dental surgery, and doctor of veterinary medicine, the
18 minimum total tuition fees shall be sixty percent of the per student
19 graduate educational costs at the state universities computed as
20 provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building
21 fees for each academic year shall be (~~three hundred and fifty four~~
22 ~~dollars~~) four percent of total tuition fees. Tuition rates may vary
23 by program.

24 (6) For full time nonresident students enrolled in programs leading
25 to the degrees of doctor of medicine, doctor of dental surgery, and
26 doctor of veterinary medicine, the minimum total tuition fees shall be
27 one hundred sixty-seven percent of (~~such~~) the minimum fees charged in
28 subsection (5) of this section: PROVIDED, That the building fees for
29 each academic year shall be (~~five hundred and fifty five dollars~~)
30 four percent of total tuition fees. Tuition rates may vary by program.

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

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

3 **Sec. 205.** RCW 28B.15.402 and 1992 c 231 s 10 are each amended to
4 read as follows:

5 Minimum and maximum tuition fees and maximum services and
6 activities fees at the regional universities and The Evergreen State
7 College for other than the summer term shall be as follows:

8 (1) For full time resident undergraduate students and all other
9 full time resident students not in graduate study programs, the maximum
10 total tuition fees shall be twenty-five 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 ((~~seventy-six dollars and~~
14 ~~fifty cents~~)) six percent of total tuition fees.

15 (2) For full time resident graduate students, the minimum total
16 tuition fees shall be twenty-three percent of the per student graduate
17 educational costs at the regional universities computed as provided in
18 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for
19 each academic year shall be ((~~seventy-six dollars and fifty cents~~))
20 three percent of total tuition fees. Tuition rates may vary by
21 program.

22 (3) For full time nonresident undergraduate students and all other
23 full time nonresident students not in graduate study programs, the
24 minimum total tuition fees shall be one hundred percent of the per
25 student undergraduate educational costs at the regional universities
26 computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That
27 the building fees for each academic year shall be ((~~two hundred and~~
28 ~~ninety-five dollars and fifty cents~~)) five percent of total tuition
29 fees.

30 (4) For full time nonresident graduate students, the minimum total
31 tuition fees shall be seventy-five percent of the per student graduate
32 educational costs at the regional universities computed as provided in
33 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for
34 each academic year shall be ((~~two hundred and ninety-five dollars and~~
35 ~~fifty cents~~)) four percent of total tuition fees. Tuition rates may
36 vary by program.

37 (5) The governing boards of each of the regional universities and
38 The Evergreen State College shall charge to and collect from each

1 student, a services and activities fee. The governing board may
2 increase the existing fee annually, consistent with budgeting
3 procedures set forth in RCW 28B.15.045, by a percentage not to exceed
4 the annual percentage increase in resident undergraduate tuition fees:
5 PROVIDED, That such percentage increase shall not apply to that portion
6 of the services and activities fee previously committed to the
7 repayment of bonded debt. The services and activities fee committee
8 provided for in RCW 28B.15.045 may initiate a request to the governing
9 board for a fee increase.

10 **Sec. 206.** RCW 28B.15.502 and 1992 c 231 s 11 are each amended to
11 read as follows:

12 Minimum and maximum tuition fees and maximum services and
13 activities fees at each community college for other than the summer
14 term shall be set by the state board for community and technical
15 colleges as follows:

16 (1) For full time resident students, the maximum total tuition fees
17 shall be twenty-three percent of the per student educational costs at
18 the community colleges computed as provided in RCW 28B.15.067 and
19 28B.15.070: PROVIDED, That the building fees for each academic year
20 shall be (~~one hundred and twenty seven dollars and fifty cents~~)
21 fifteen percent of total tuition fees.

22 (2) For full time nonresident students, the minimum total tuition
23 fees shall be one hundred percent of the per student educational costs
24 at the community colleges computed as provided in RCW 28B.15.067 and
25 28B.15.070: PROVIDED, That the building fees for each academic year
26 shall be (~~four hundred and three dollars and fifty cents~~) eleven
27 percent of total tuition fees.

28 (3) The governing boards of each of the state community colleges
29 shall charge to and collect from each student a services and activities
30 fee. Each governing board may increase the existing fee annually,
31 consistent with budgeting procedures set forth in RCW 28B.15.045, by a
32 percentage not to exceed the annual percentage increase in resident
33 student tuition fees: PROVIDED, That such percentage increase shall
34 not apply to that portion of the services and activities fee previously
35 committed to the repayment of bonded debt. The services and activities
36 fee committee provided for in RCW 28B.15.045 may initiate a request to
37 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. 207.** 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 paying fees at the minimum or maximum
24 rates established in this chapter, minus obligations under RCW
25 28B.15.820 and 43.99I.040 and minus the amount of waived operating fees
26 authorized under RCW 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 overenrollment limitations,
30 specified in the omnibus biennial operating appropriations act;

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; and

35 (4) The appropriation shall not be reduced by revenue resulting
36 from operating fee rates being set above the minimum rates established
37 in this chapter, nor shall the appropriation be increased as a result

1 of operating fee rates established below the maximum rates established
2 in this chapter.

3 NEW SECTION. **Sec. 208.** RCW 28B.15.824 and 1992 c 231 s 36 are
4 each repealed.

5 **PART III**
6 **EMPLOYMENT RELATIONS**

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

9 In addition to the entities listed in RCW 41.56.020, this chapter
10 shall apply to institutions of higher education with respect to the
11 employees classified under chapter 28B.16 RCW or covered by a
12 bargaining agreement under section 304(2) of this act.

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

15 As used in this chapter:

16 (1) "Public employer" means any officer, board, commission,
17 council, institution of higher education, or other person or body
18 acting on behalf of any public body governed by this chapter as
19 designated by RCW 41.56.020, 41.56.022, 41.56.024, and section 301 of
20 this act, or any subdivision of such public body. For the purposes of
21 this section, the public employer of district court or superior court
22 employees for wage-related matters is the respective county legislative
23 authority, or person or body acting on behalf of the legislative
24 authority, and the public employer for nonwage-related matters is the
25 judge or judge's designee of the respective district court or superior
26 court.

27 (2) "Public employee" means any employee of a public employer
28 except any person (a) elected by popular vote, or (b) appointed to
29 office pursuant to statute, ordinance or resolution for a specified
30 term of office by the executive head or body of the public employer, or
31 (c) whose duties as deputy, administrative assistant or secretary
32 necessarily imply a confidential relationship to the executive head or
33 body of the applicable bargaining unit, or any person elected by
34 popular vote or appointed to office pursuant to statute, ordinance or
35 resolution for a specified term of office by the executive head or body

1 of the public employer, or (d) who is a personal assistant to a
2 district court judge, superior court judge, or court commissioner. For
3 the purpose of (d) of this subsection, no more than one assistant for
4 each judge or commissioner may be excluded from a bargaining unit.

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

8 (4) "Collective bargaining" means the performance of the mutual
9 obligations of the public employer and the exclusive bargaining
10 representative to meet at reasonable times, to confer and negotiate in
11 good faith, and to execute a written agreement with respect to
12 grievance procedures and collective negotiations on personnel matters,
13 including wages, hours and working conditions, which may be peculiar to
14 an appropriate bargaining unit of such public employer, except that by
15 such obligation neither party shall be compelled to agree to a proposal
16 or be required to make a concession unless otherwise provided in this
17 chapter. In the case of the Washington state patrol, "collective
18 bargaining" shall not include wages and wage-related matters. For
19 institutions of higher education, "collective bargaining" shall not
20 include employee benefits provided under chapters 41.05 and 41.40 RCW,
21 including issues of eligibility.

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

23 (6) "Executive director" means the executive director of the
24 commission.

25 (7) "Uniformed personnel" means (a) law enforcement officers as
26 defined in RCW 41.26.030 as now or hereafter amended, of cities with a
27 population of fifteen thousand or more or law enforcement officers
28 employed by the governing body of any county with a population of
29 seventy thousand or more, or (b) fire fighters as that term is defined
30 in RCW 41.26.030, as now or hereafter amended.

31 (8) "Institutions of higher education" means the same as the
32 definition in RCW 28B.16.020.

33 **Sec. 303.** RCW 41.56.100 and 1989 c 45 s 1 are each amended to read
34 as follows:

35 (1) A public employer shall have the authority to engage in
36 collective bargaining with the exclusive bargaining representative and
37 no public employer shall refuse to engage in collective bargaining with
38 the exclusive bargaining representative(~~(:—PROVIDED, That)~~). Except

1 as otherwise authorized in section 304 of this act, nothing contained
2 herein shall require any public employer to bargain collectively with
3 any bargaining representative concerning any matter which by ordinance,
4 resolution or charter of (~~said~~) the public employer, or by statute,
5 has been delegated to any civil service commission or personnel board
6 similar in scope, structure and authority to the board created by
7 chapter 41.06 RCW.

8 (2) Upon the failure of the public employer and the exclusive
9 bargaining representative to conclude a collective bargaining
10 agreement, any matter in dispute may be submitted by either party to
11 the commission. If a public employer implements its last and best
12 offer where there is no contract settlement, allegations that either
13 party is violating the terms of the implemented offer shall be subject
14 to grievance arbitration procedures if and as such procedures are set
15 forth in the implemented offer, or, if not in the implemented offer, if
16 and as such procedures are set forth in the parties' last contract.

17 NEW SECTION. Sec. 304. A new section is added to chapter 41.56
18 RCW to read as follows:

19 (1) On the effective date of this section, the commission shall
20 recognize, in their current form, all bargaining units certified by the
21 higher education personnel board as of June 30, 1993.

22 (2) At any time after the effective date of this section, a
23 bargaining unit at an institution of higher education certified under
24 this chapter or recognized under subsection (1) of this section and the
25 public employer may agree to have their relationship and corresponding
26 obligations governed entirely by the provisions of chapter 41.56 RCW by
27 mutual adoption of a collective bargaining agreement stating the
28 parties' intent to be so governed. The parties shall provide notice
29 and a copy of the agreement to the higher education personnel board and
30 the commission. On the first day of the month following the month
31 during which notice is received by the agencies, chapter 28B.16 RCW
32 shall cease to apply to all employees in the bargaining unit covered by
33 the agreement, and the limitations on bargaining contained in RCW
34 41.56.100(1) shall cease to apply to the institution.

35 (3) If a bargaining unit and an institution mutually agree to a
36 collective bargaining agreement permitted in subsection (2) of this
37 section, salary increases for the employees in the bargaining unit
38 shall be subject to the following:

1 (a) Salary increases shall continue to be appropriated by the
2 legislature and, except as otherwise provided under (c) of this
3 subsection, contract provisions relating to salary increases shall not
4 exceed the amount or percentage established by the legislature in the
5 appropriations act for the institutions or as allocated to the board of
6 trustees by the state board for community and technical colleges.

7 (b) Any provisions of the contracts pertaining to salary increases
8 shall not be binding upon future actions of the legislature. If any
9 provision of a salary increase provided under (a) of this subsection is
10 changed by subsequent modification of the appropriations act by the
11 legislature, both parties shall immediately enter into collective
12 bargaining for the sole purpose of arriving at a mutually agreed upon
13 replacement for the modified provision.

14 (c) The agreements may provide for salary increases that are in
15 addition to increases provided by the legislature. However, the base
16 for salary increases provided by the legislature under (a) of this
17 subsection shall include only those amounts appropriated by the
18 legislature and the base shall not include any additional salary
19 increases provided under this subsection (c).

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

22 The following classifications, positions, and employees of
23 institutions of higher education and related boards are hereby exempted
24 from coverage of this chapter:

25 (1) Members of the governing board of each institution and related
26 boards, all presidents, vice presidents and their confidential
27 secretaries, administrative and personal assistants; deans, directors,
28 and (~~chairmen~~) chairpersons; academic personnel; and executive heads
29 of major administrative or academic divisions employed by institutions
30 of higher education; principal assistants to executive heads of major
31 administrative or academic divisions; other managerial or professional
32 employees in an institution or related board having substantial
33 responsibility for directing or controlling program operations and
34 accountable for allocation of resources and program results, or for the
35 formulation of institutional policy, or for carrying out personnel
36 administration or labor relations functions, legislative relations,
37 public information, development, senior computer systems and network
38 programming, or internal audits and investigations; and any employee of

1 a community college district whose place of work is one which is
2 physically located outside the state of Washington and who is employed
3 pursuant to RCW 28B.50.092 and assigned to an educational program
4 operating outside of the state of Washington.

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

8 (3) The director, his confidential secretary, assistant directors,
9 and professional education employees of the state board for community
10 and technical colleges ((education)).

11 (4) The personnel director of the higher education personnel board
12 and his confidential secretary.

13 (5) The governing board of each institution, and related boards,
14 may also exempt from this chapter, subject to the employees right of
15 appeal to the higher education personnel board, classifications
16 involving research activities, counseling of students, extension or
17 continuing education activities, graphic arts or publications
18 activities requiring prescribed academic preparation or special
19 training, ((and principal assistants to executive heads of major
20 administrative or academic divisions,)) as determined by the higher
21 education personnel board: PROVIDED, That no nonacademic employee
22 engaged in office, clerical, maintenance, or food and trade services
23 may be exempted by the higher education personnel board under this
24 provision.

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

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

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

34 The higher education personnel board shall adopt rules, consistent
35 with the purposes and provisions of this chapter and with the best
36 standards of personnel administration, regarding the basis and
37 procedures to be followed for:

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

3 (2) Certification of names for vacancies, including promotions,
4 with the number of names equal to four more names than there are
5 vacancies to be filled, such names representing applicants rated
6 highest on eligibility lists: PROVIDED, That when other applicants
7 have scores equal to the lowest score among the names certified, their
8 names shall also be certified;

9 (3) Examination for all positions in the competitive and
10 noncompetitive service;

11 (4) Appointments;

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

14 (6) Transfers;

15 (7) Sick leaves and vacations;

16 (8) Hours of work;

17 (9) Layoffs when necessary and subsequent reemployment, both
18 according to seniority;

19 ~~(10) ((Determination of appropriate bargaining units within any
20 institution or related boards:— PROVIDED, That in making such
21 determination the board shall consider the duties, skills, and working
22 conditions of the employees, the history of collective bargaining by
23 the employees and their bargaining representatives, the extent of
24 organization among the employees, and the desires of the employees;~~

25 ~~(11) Certification and decertification of exclusive bargaining
26 representatives:— PROVIDED, That after certification of an exclusive
27 bargaining representative and upon the representative's request, the
28 director shall hold an election among employees in a bargaining unit to
29 determine by a majority whether to require as a condition of employment
30 membership in the certified exclusive bargaining representative on or
31 after the thirtieth day following the beginning of employment or the
32 date of such election, whichever is the later, and the failure of an
33 employee to comply with such condition of employment constitutes cause
34 for dismissal:— PROVIDED FURTHER, That no more often than once in each
35 twelve-month period after expiration of twelve months following the
36 date of the original election in a bargaining unit and upon petition of
37 thirty percent of the members of a bargaining unit the director shall
38 hold an election to determine whether a majority wish to rescind such
39 condition of employment:— PROVIDED FURTHER, That for purposes of this~~

1 clause, membership in the certified exclusive bargaining representative
2 is satisfied by the payment of monthly or other periodic dues and does
3 not require payment of initiation, reinstatement, or any other fees or
4 fines and includes full and complete membership rights: AND PROVIDED
5 FURTHER, That in order to safeguard the right of nonassociation of
6 public employees, based on bona fide religious tenets or teachings of
7 a church or religious body of which such public employee is a member,
8 such public employee shall pay to the union, for purposes within the
9 program of the union as designated by such employee that would be in
10 harmony with his individual conscience, an amount of money equivalent
11 to regular union dues minus any included monthly premiums for union-
12 sponsored insurance programs, and such employee shall not be a member
13 of the union but is entitled to all the representation rights of a
14 union member;

15 (12) Agreements between institutions or related boards and
16 certified exclusive bargaining representatives providing for grievance
17 procedures and collective negotiations on all personnel matters over
18 which the institution or the related board may lawfully exercise
19 discretion;

20 (13) Written agreements may contain provisions for payroll
21 deductions of employee organization dues upon authorization by the
22 employee member and for the cancellation of such payroll deduction by
23 the filing of a proper prior notice by the employee with the
24 institution and the employee organization: PROVIDED, That nothing
25 contained herein permits or grants to any employee the right to strike
26 or refuse to perform his official duties;

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

30 ((15)) (11) Allocation and reallocation of positions within the
31 classification plan;

32 ((16)) (12) Adoption and revision of salary schedules and
33 compensation plans which reflect the prevailing rates in Washington
34 state private industries and other governmental units for positions of
35 a similar nature but the rates in the salary schedules or plans shall
36 be increased if necessary to attain comparable worth under an
37 implementation plan under RCW 28B.16.116 and which shall be competitive
38 in the state or the locality in which the institution or related boards
39 are located, such adoption, revision, and implementation subject to

1 approval as to availability of funds by the director of financial
2 management in accordance with the provisions of chapter 43.88 RCW, and
3 after consultation with the chief financial officer of each institution
4 or related board for that institution or board, or in the case of
5 community colleges, by the chief financial officer of the state board
6 for community and technical colleges ~~((education))~~ for the various
7 community colleges;

8 ~~((+17))~~ (13) Training programs including in-service, promotional,
9 and supervisory;

10 ~~((+18))~~ (14) Increment increases within the series of steps for
11 each pay grade based on length of service for all employees whose
12 standards of performance are such as to permit them to retain job
13 status in the classified service;

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

36 ~~((+20))~~ (16) Assuring that persons who are or have been employed
37 in classified positions under chapter 41.06 RCW will be eligible for
38 employment, reemployment, transfer, and promotion in respect to
39 classified positions covered by this chapter; ~~((and~~

1 ~~(21))~~ (17) Assuring that any person who is or has been employed in
2 a classified position under this chapter will be eligible for
3 employment, reemployment, transfer, and promotion in respect to
4 classified positions at any other institution of higher education or
5 related board~~((~~-~~))~~; and

6 ~~((22))~~ (18) Affirmative action in appointment, promotion,
7 transfer, recruitment, training, and career development; development
8 and implementation of affirmative action goals and timetables; and
9 monitoring of progress against those goals and timetables.

10 The board shall consult with the human rights commission in the
11 development of rules consistent with federal guidelines pertaining to
12 affirmative action. The board shall transmit a report annually to the
13 human rights commission which states the progress each institution of
14 higher education has made in meeting affirmative action goals and
15 timetables.

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

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

35 (2) If employees cease to be classified under this chapter pursuant
36 to an agreement authorized by section 304 of this act, each institution
37 of higher education and the state board for community and technical
38 colleges shall continue, for six months after the effective date of the

1 agreement, to make contributions to the higher education personnel
2 board service fund based on employee salaries and wages that includes
3 the employees under the agreement. At the expiration of the six-month
4 period, the director of financial management shall make across-the-
5 board reductions in allotments of the higher education personnel board
6 service fund for the remainder of the biennium so that the charge to
7 the institutions of higher education and state board based on the
8 salaries and wages of the remaining employees classified under this
9 chapter does not increase during the biennium, unless an increase is
10 authorized by the legislature. The director of financial management
11 shall report the amount and impact of any across-the-board reductions
12 made under this section to the appropriations committee of the house of
13 representatives and the ways and means committee of the senate, or
14 appropriate successor committees, within thirty days of making the
15 reductions.

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

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

21 At any time after the effective date of this section, a bargaining
22 unit at an institution of higher education certified or recognized
23 under chapter 41.56 RCW and the institution may agree to have their
24 relationship and corresponding obligations governed entirely by the
25 provisions of chapter 41.56 RCW by mutual adoption of a collective
26 bargaining agreement stating the parties' intent to be so governed.
27 The parties shall provide notice and a copy of the agreement to the
28 board and the public employment relations commission. On the first day
29 of the month following the month during which notice is received by the
30 agencies, this chapter shall cease to apply to all employees in the
31 bargaining unit covered by the agreement.

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

36 (2) On the effective date of this section, all business pending
37 before the higher education personnel board that pertains to the

1 functions transferred to the commission by this section shall be
2 continued and acted upon by the commission. All existing contracts and
3 obligations pertaining to such functions shall remain in full force and
4 effect, but shall be performed by the commission in lieu of the higher
5 education personnel board. The transfer of any functions shall not
6 affect the validity of any act performed by the higher education
7 personnel board or any officer or employee thereof before the effective
8 date of the transferral of such functions.

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

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

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

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

34 **PART IV**
35 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 401.** The sum of dollars, or as much
2 thereof as may be necessary, is appropriated for the biennium ending
3 June 30, 1995, from each public four-year institution's and the
4 community colleges' operating fees account established in RCW
5 28B.15.824 to the respective institution's local account for the
6 purposes of sections 201 through 207 of this act.

7 NEW SECTION. **Sec. 402.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 403.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect July 1, 1993.

--- END ---