
SENATE BILL 5861

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen, McDonald, Owen, Erwin, Amondson, Deccio, Cantu, L. Smith, McCaslin, Hochstatter, Oke and Moyer

Read first time 02/18/93. Referred to Committee on Government Operations.

1 AN ACT Relating to competitive strategies in the delivery of
2 government services; amending RCW 41.06.380, 28B.16.040, and
3 28B.16.240; adding a new section to chapter 28A.400 RCW; creating a new
4 section; providing an effective date; and declaring an emergency.

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

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

7 (1) All agencies, departments, offices of elective or appointed
8 state officers, state institutions, colleges, universities, community
9 colleges, technical colleges, college districts, public school
10 districts, the supreme court, the court of appeals and any other 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.

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

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

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

18 **Sec. 3.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
19 read as follows:

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

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

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

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.400
36 RCW to read as follows:

1 Nothing in this chapter shall be construed as prohibiting the
2 procurement or provision of nonacademic services. Directors of school
3 districts may purchase services or the delivery of services through
4 contracts with individuals or business entities. The execution or
5 renewal of the contract must be in compliance with the provisions of
6 RCW 43.19.1906.

7 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect July 1, 1993.

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