
HOUSE BILL 1183

State of Washington

55th Legislature

1997 Regular Session

By Representatives Reams, Koster, Sherstad, Thompson, Mulliken, Mielke, Wensman, Dunn and Backlund

Read first time 01/16/97. Referred to Committee on Government Administration.

1 AN ACT Relating to competitive strategies in the delivery of
2 government services; amending RCW 41.06.380 and 41.06.382; reenacting
3 and amending RCW 41.06.070; adding a new section to chapter 28A.400
4 RCW; creating a new section; providing an effective date; and declaring
5 an emergency.

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

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

8 (1) All agencies, departments, offices of elective or appointed
9 state officers, state institutions, colleges, universities, community
10 colleges, technical colleges, college districts, public school
11 districts, the supreme court, the court of appeals, and any other
12 entity receiving appropriations from the legislature deliver high
13 quality services to the people of the state of Washington in the most
14 efficient and cost-effective manner possible.

15 (2) The director of general administration, through the state
16 purchasing and material control director established in RCW 43.19.180,
17 be provided the highest level of flexibility in the purchase of all
18 materials, supplies, services, and equipment necessary for the

1 efficient support, maintenance, repair, and use of all agencies and
2 departments under RCW 43.19.190.

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

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

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

20 **Sec. 3.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
21 1996 c 186 s 109 are each reenacted and amended to read as follows:

22 (1) The provisions of this chapter do not apply to:

23 (a) The members of the legislature or to any employee of, or
24 position in, the legislative branch of the state government including
25 members, officers, and employees of the legislative council, joint
26 legislative audit and review committee, statute law committee, and any
27 interim committee of the legislature;

28 (b) The justices of the supreme court, judges of the court of
29 appeals, judges of the superior courts or of the inferior courts, or to
30 any employee of, or position in the judicial branch of state
31 government;

32 (c) Officers, academic personnel, and employees of technical
33 colleges;

34 (d) The officers of the Washington state patrol;

35 (e) Elective officers of the state;

36 (f) The chief executive officer of each agency;

1 (g) In the departments of employment security and social and health
2 services, the director and the director's confidential secretary; in
3 all other departments, the executive head of which is an individual
4 appointed by the governor, the director, his or her confidential
5 secretary, and his or her statutory assistant directors;

6 (h) In the case of a multimember board, commission, or committee,
7 whether the members thereof are elected, appointed by the governor or
8 other authority, serve ex officio, or are otherwise chosen:

9 (i) All members of such boards, commissions, or committees;

10 (ii) If the members of the board, commission, or committee serve on
11 a part-time basis and there is a statutory executive officer: The
12 secretary of the board, commission, or committee; the chief executive
13 officer of the board, commission, or committee; and the confidential
14 secretary of the chief executive officer of the board, commission, or
15 committee;

16 (iii) If the members of the board, commission, or committee serve
17 on a full-time basis: The chief executive officer or administrative
18 officer as designated by the board, commission, or committee; and a
19 confidential secretary to the chair of the board, commission, or
20 committee;

21 (iv) If all members of the board, commission, or committee serve ex
22 officio: The chief executive officer; and the confidential secretary
23 of such chief executive officer;

24 (i) The confidential secretaries and administrative assistants in
25 the immediate offices of the elective officers of the state;

26 (j) Assistant attorneys general;

27 (k) Commissioned and enlisted personnel in the military service of
28 the state;

29 (l) Inmate, student, part-time, or temporary employees, and part-
30 time professional consultants, as defined by the Washington personnel
31 resources board;

32 (m) The public printer or to any employees of or positions in the
33 state printing plant;

34 (n) Officers and employees of the Washington state fruit
35 commission;

36 (o) Officers and employees of the Washington state apple
37 advertising commission;

38 (p) Officers and employees of the Washington state dairy products
39 commission;

1 (q) Officers and employees of the Washington tree fruit research
2 commission;

3 (r) Officers and employees of the Washington state beef commission;

4 (s) Officers and employees of any commission formed under chapter
5 15.66 RCW;

6 (t) Officers and employees of the state wheat commission formed
7 under chapter 15.63 RCW;

8 (u) Officers and employees of agricultural commissions formed under
9 chapter 15.65 RCW;

10 (v) Officers and employees of the nonprofit corporation formed
11 under chapter 67.40 RCW;

12 (w) Executive assistants for personnel administration and labor
13 relations in all state agencies employing such executive assistants
14 including but not limited to all departments, offices, commissions,
15 committees, boards, or other bodies subject to the provisions of this
16 chapter and this subsection shall prevail over any provision of law
17 inconsistent herewith unless specific exception is made in such law;

18 (x) In each agency with fifty or more employees: Deputy agency
19 heads, assistant directors or division directors, and not more than
20 three principal policy assistants who report directly to the agency
21 head or deputy agency heads;

22 (y) All employees of the marine employees' commission;

23 (z) Up to a total of five senior staff positions of the western
24 library network under chapter 27.26 RCW responsible for formulating
25 policy or for directing program management of a major administrative
26 unit. This subsection (1)(z) shall expire on June 30, 1997;

27 (aa) Staff employed by the department of community, trade, and
28 economic development to administer energy policy functions and manage
29 energy site evaluation council activities under RCW 43.21F.045(2)(m);

30 (bb) Staff employed by Washington State University to administer
31 energy education, applied research, and technology transfer programs
32 under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

33 (2) The following classifications, positions, and employees of
34 institutions of higher education and related boards are hereby exempted
35 from coverage of this chapter:

36 (a) Members of the governing board of each institution of higher
37 education and related boards, all presidents, vice-presidents, and
38 their confidential secretaries, administrative, and personal
39 assistants; deans, directors, and chairs; academic personnel; and

1 executive heads of major administrative or academic divisions employed
2 by institutions of higher education; principal assistants to executive
3 heads of major administrative or academic divisions; other managerial
4 or professional employees in an institution or related board having
5 substantial responsibility for directing or controlling program
6 operations and accountable for allocation of resources and program
7 results, or for the formulation of institutional policy, or for
8 carrying out personnel administration or labor relations functions,
9 legislative relations, public information, development, senior computer
10 systems and network programming, or internal audits and investigations;
11 and any employee of a community college district whose place of work is
12 one which is physically located outside the state of Washington and who
13 is employed pursuant to RCW 28B.50.092 and assigned to an educational
14 program operating outside of the state of Washington;

15 (b) Student, part-time, or temporary employees, and part-time
16 professional consultants, as defined by the Washington personnel
17 resources board, employed by institutions of higher education and
18 related boards;

19 (c) The governing board of each institution, and related boards,
20 may also exempt from this chapter classifications involving research
21 activities, counseling of students, extension or continuing education
22 activities, graphic arts or publications activities requiring
23 prescribed academic preparation, or special training as determined by
24 the board(~~(: PROVIDED, That no nonacademic employee engaged in office,~~
25 ~~clerical, maintenance, or food and trade services may be exempted by~~
26 ~~the board under this provision))~~);

27 (d) Printing craft employees in the department of printing at the
28 University of Washington.

29 (3) In addition to the exemptions specifically provided by this
30 chapter, the Washington personnel resources board may provide for
31 further exemptions pursuant to the following procedures. The governor
32 or other appropriate elected official may submit requests for exemption
33 to the Washington personnel resources board stating the reasons for
34 requesting such exemptions. The Washington personnel resources board
35 shall hold a public hearing, after proper notice, on requests submitted
36 pursuant to this subsection. If the board determines that the position
37 for which exemption is requested is one involving substantial
38 responsibility for the formulation of basic agency or executive policy
39 or one involving directing and controlling program operations of an

1 agency or a major administrative division thereof, the Washington
2 personnel resources board shall grant the request and such
3 determination shall be final as to any decision made before July 1,
4 1993. The total number of additional exemptions permitted under this
5 subsection shall not exceed one percent of the number of employees in
6 the classified service not including employees of institutions of
7 higher education and related boards for those agencies not directly
8 under the authority of any elected public official other than the
9 governor, and shall not exceed a total of twenty-five for all agencies
10 under the authority of elected public officials other than the
11 governor. The Washington personnel resources board shall report to
12 each regular session of the legislature during an odd-numbered year all
13 exemptions granted under subsections (1)(w) and (x) and (2) of this
14 section, together with the reasons for such exemptions.

15 The salary and fringe benefits of all positions presently or
16 hereafter exempted except for the chief executive officer of each
17 agency, full-time members of boards and commissions, administrative
18 assistants and confidential secretaries in the immediate office of an
19 elected state official, and the personnel listed in subsections (1)(j)
20 through (v), (y), (z), and (2) of this section, shall be determined by
21 the Washington personnel resources board. However, beginning with
22 changes proposed for the 1997-99 fiscal biennium, changes to the
23 classification plan affecting exempt salaries must meet the same
24 provisions for classified salary increases resulting from adjustments
25 to the classification plan as outlined in RCW 41.06.152.

26 Any person holding a classified position subject to the provisions
27 of this chapter shall, when and if such position is subsequently
28 exempted from the application of this chapter, be afforded the
29 following rights: If such person previously held permanent status in
30 another classified position, such person shall have a right of
31 reversion to the highest class of position previously held, or to a
32 position of similar nature and salary.

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

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

1 **Sec. 4.** RCW 41.06.382 and 1979 ex.s. c 46 s 1 are each amended to
2 read as follows:

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

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

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

22 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 July 1, 1997.

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