

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2328

61st Legislature
2009 Regular Session

Passed by the House April 23, 2009
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 19, 2009
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2328** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2328

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Linville and Ericks; by request of Office of
Financial Management

1 AN ACT Relating to reducing the administrative cost of state
2 government; amending 2009 c 5 ss 6, 7, 8, 9, and 10 (uncodified);
3 adding a new section to 2009 c 5 (uncodified); adding a new chapter to
4 Title 49 RCW; creating a new section; and declaring an emergency.

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

6 **Sec. 1.** 2009 c 5 s 6 (uncodified) is amended to read as follows:

7 STATE EMPLOYMENT. (1) From February 18, 2009, until July 1, 2009,
8 and consistent with the governor's directive dated August 4, 2008,
9 state agencies of the legislative, executive, and judicial branches
10 shall not establish new staff positions or fill vacant existing staff
11 positions except as specifically authorized by this section.

12 (2) The following activities of state agencies are exempt from
13 subsection (1) of this section:

14 (a) Direct custody, supervision, and patient care in corrections,
15 juvenile rehabilitation, institutional care of veterans, the mentally
16 ill, developmentally disabled, state hospitals, the special commitment
17 center, and the schools for the blind and the deaf;

18 (b) Direct protective services to children and other vulnerable
19 populations in the department of social and health services;

1 (c) Washington state patrol investigative services and field
2 enforcement;

3 (d) Hazardous materials response and emergency cleanup;

4 (e) Emergency public health and patient safety response and the
5 public health laboratory;

6 (f) Military operations and emergency management within the
7 military department;

8 (g) Firefighting;

9 (h) Enforcement officers in the department of fish and wildlife,
10 the liquor control board, the gambling commission, and the department
11 of natural resources;

12 (i) Park rangers at the parks and recreation commission;

13 (j) Seasonal employment by natural resources agencies to the extent
14 that employment levels do not exceed the prior fiscal year;

15 (k) Seasonal employment in the department of transportation
16 maintenance programs to the extent that employment levels do not exceed
17 the prior fiscal year;

18 (l) Employees hired on a seasonal basis by the department of
19 agriculture for inspection and certification of agricultural products
20 and for insect detection;

21 (m) Activities directly related to tax and fee collection, revenue
22 generation, auditing, and recovery;

23 (n) In institutions of higher education, any positions directly
24 related to academic programs, (~~as well as~~) positions not funded from
25 state funds or tuition, positions that are filled by enrolled students
26 at their own institution as student workers, positions in campus police
27 and security, positions related to emergency management and response,
28 and positions related to student health care and counseling;

29 (o) Operations of the state lottery and liquor control board
30 business enterprises;

31 (p) The unemployment insurance program of the employment security
32 department; and

33 (q) Activities that are necessary to receive or maintain federal
34 funds by the state.

35 (3) The exemptions specified in subsection (2) of this section do
36 not require the establishment of new staff positions or the filling of
37 vacant existing staff positions in the activities specified.

1 (4) Exceptions to this section may be granted under section 10,
2 chapter 5, Laws of 2009 and section 7 of this act.

3 **Sec. 2.** 2009 c 5 s 7 (uncodified) is amended to read as follows:

4 PERSONAL SERVICES CONTRACTS. From February 18, 2009, until July 1,
5 2009, and consistent with the governor's directive dated August 4,
6 2008, state agencies of the legislative, executive, and judicial
7 branches shall not enter into any contracts or other agreements for the
8 acquisition of personal services not related to an emergency or other
9 catastrophic event that requires government action to protect life or
10 public safety. This section does not apply to personal services
11 contracts or other agreements for the acquisition of personal services
12 where the costs are funded exclusively from private or federal grants,
13 where the costs are for tax and fee collection, where the costs are for
14 revenue generation and auditing activities, where the costs are
15 necessary to receive or maintain federal funds by the state, or, in
16 institutions of higher education, where the costs are not funded from
17 state funds or tuition, or where costs are related to hearing officers,
18 where costs are related to real estate appraisals or habitat
19 assessments, where costs are related to carrying out a court order, or
20 where costs are related to information technology contracts related to
21 an information services board approved information technology project,
22 or where costs are related to judicial information system technology
23 projects. Exceptions to this section may be granted under section 10,
24 chapter 5, Laws of 2009 and section 7 of this act. This section does
25 not apply to the unemployment insurance program of the employment
26 security department.

27 **Sec. 3.** 2009 c 5 s 8 (uncodified) is amended to read as follows:

28 EQUIPMENT PURCHASES. From February 18, 2009, until July 1, 2009,
29 and consistent with the governor's directive dated August 4, 2008,
30 state agencies of the legislative, executive, and judicial branches
31 shall not enter into any contracts or other agreements for the
32 acquisition of any item of equipment the cost of which exceeds five
33 thousand dollars and is not related to an emergency or other
34 catastrophic event that requires government action to protect life or
35 public safety. This section does not apply to costs that are funded
36 exclusively from private or federal grants. Exceptions to this section

1 may be granted under section 10, chapter 5, Laws of 2009 and section 7
2 of this act. This section does not apply to the unemployment insurance
3 program of the employment security department, to costs that are for
4 tax and fee collection, for revenue generation and audit activities, or
5 for receiving or maintaining federal funds by the state, or, in
6 institutions of higher education, to costs not funded from state funds
7 or tuition, or for equipment necessary to complete a project funded in
8 the omnibus capital or transportation appropriation acts, or the
9 operational divisions of the department of information services, or
10 cost related to the continuation, renewal, or establishment of
11 maintenance for existing computer software licensing and existing
12 computer hardware, or for costs related to the judicial information
13 system.

14 **Sec. 4.** 2009 c 5 s 9 (uncodified) is amended to read as follows:

15 STATE EMPLOYEE TRAVEL AND TRAINING. Consistent with the governor's
16 directive dated August 4, 2008, state agencies of the legislative,
17 executive, and judicial branches shall not make expenditures for the
18 cost or reimbursement of out-of-state travel or out-of-state training
19 by state employees where the travel or training is not related to (1)
20 an emergency or other catastrophic event that requires government
21 action to protect life or public safety, or (2) direct service
22 delivery, and the travel or training occurs after February 18, 2009,
23 and before July 1, 2009. This section does not apply to travel
24 expenditures when the costs are funded exclusively from private or
25 federal grants. Exceptions to this section may be granted under
26 section 10, chapter 5, Laws of 2009 and section 7 of this act. This
27 section does not apply to the unemployment insurance program of the
28 employment security department, to costs that are for tax and fee
29 collection, for revenue generation and audit activities, or for
30 receiving or maintaining federal funds by the state, or, in
31 institutions of higher education, to costs not funded from state funds
32 or tuition, or to costs related to carrying out a court order or to
33 costs to travel by air into Washington state from any airport located
34 in a contiguous state of which the largest city is part of a
35 metropolitan statistical area with a city located in Washington state,
36 or to motor vehicle and parking costs for single day travel to a
37 contiguous state or British Columbia, Canada.

1 NEW SECTION. **Sec. 5.** (1) Within this section, "sensory
2 disability" means a sensory condition that materially limits,
3 contributes to limiting, or, if not corrected or accommodated, will
4 probably result in limiting an individual's activities or functioning.

5 (2) The department of personnel shall adopt rules that authorize
6 state agencies to provide allowances to employees with sensory
7 disabilities who must attend training necessary to attain a new service
8 animal. The employee's absence must be treated in the same manner as
9 that granted to employees who are absent to attend training that
10 supports or improves their job performance, except that the employee
11 shall not be eligible for reimbursement under RCW 43.03.050 or
12 43.03.060. The department of personnel shall adopt rules as necessary
13 to implement this chapter.

14 (3) If the necessity to attend training for a new service animal is
15 foreseeable and the training will cause the employee to miss work, the
16 employee shall provide the employer with not less than thirty days'
17 notice, before the date the absence is to begin, of the employee's
18 impending absence. If the date of the training requires the absence to
19 begin in less than thirty days, the employee shall provide notice as is
20 practicable.

21 (4) An agency may require that a request to attend service animal
22 training be supported by a certification issued by the relevant
23 training organization. The employee must provide, in a timely manner,
24 a copy of the certification to the agency. Certification provided
25 under this section is sufficient if it states: (a) The date on which
26 the service animal training session is scheduled to commence; and (b)
27 the session's duration.

28 NEW SECTION. **Sec. 6.** Section 5 of this act constitutes a new
29 chapter in Title 49 RCW.

30 **Sec. 7.** 2009 c 5 s 10 (uncodified) is amended to read as follows:

31 EXCEPTIONS. (1) Exceptions to sections 6 through 9, chapter 5,
32 Laws of 2009 may be granted for the critically necessary work of an
33 agency as provided in this section.

34 (2) For agencies of the executive branch, the exceptions shall be
35 subject to approval by the director of financial management. For
36 agencies of the judicial branch, the exceptions shall be subject to

1 approval of the chief justice of the supreme court. For the house of
2 representatives and the senate, the exceptions shall be subject to
3 approval of the chief clerk of the house of representatives and the
4 secretary of the senate, respectively, under the direction of the
5 senate committee on facilities and operations and the executive rules
6 committee of the house of representatives. For other legislative
7 agencies, the exceptions shall be subject to approval of both the chief
8 clerk of the house of representatives and the secretary of the senate
9 under the direction of the senate committee on facilities and
10 operations and the executive rules committee of the house of
11 representatives.

12 ~~(3) ((Exceptions approved under subsection (2) of this section~~
13 ~~shall take effect no sooner than five business days following~~
14 ~~notification of the chair and ranking minority member of the ways and~~
15 ~~means committees in the house of representatives and the senate.))~~ The
16 person approving exceptions under subsection (2) of this section shall
17 send the exceptions to the legislature for consideration every
18 ~~((thirty))~~ five days from February 18, 2009, or earlier should volume
19 or circumstances so necessitate.

20 NEW SECTION. **Sec. 8.** A new section is added to 2009 c 5
21 (uncodified) to read as follows:

22 Notwithstanding sections 1 through 5, chapter 5, Laws of 2009,
23 institutions of higher education may grant a wage or salary increase to
24 critical academic personnel as needed for retention purposes, for
25 retention of critical personnel positions that are not funded from
26 state funds or tuition, or for additional academic responsibilities
27 during the summer quarter.

28 NEW SECTION. **Sec. 9.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 10.** Captions used in this act are not any part
33 of the law.

1 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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