

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1663

Chapter 198, Laws of 2011

(partial veto)

62nd Legislature
2011 Regular Session

HIGHER EDUCATION--PURCHASING AUTHORITY

EFFECTIVE DATE: 07/22/11

Passed by the House April 14, 2011
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 6, 2011
Yeas 44 Nays 5

BRAD OWEN

President of the Senate

Approved April 29, 2011, 3:39 p.m., with
the exception of Section 2 which is
vetoed.

CHRISTINE GREGOIRE

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
certify that the attached is
SUBSTITUTE HOUSE BILL 1663 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 29, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1663

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Higher Education (originally sponsored by Representatives Parker, Ormsby, Probst, Billig, Schmick, Fagan, Angel, and Ahern)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the purchasing authority of institutions of
2 higher education; amending RCW 28B.10.029; and declaring an emergency.

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

4 **Sec. 1.** RCW 28B.10.029 and 2010 c 61 s 1 are each amended to read
5 as follows:

6 (1)(a) An institution of higher education may exercise
7 independently those powers otherwise granted to the director of general
8 administration in chapter 43.19 RCW in connection with the purchase and
9 disposition of all material, supplies, services, and equipment needed
10 for the support, maintenance, and use of the respective institution of
11 higher education.

12 (b) Property disposition policies followed by institutions of
13 higher education shall be consistent with policies followed by the
14 department of general administration.

15 (c) Purchasing policies and procedures followed by institutions of
16 higher education shall be in compliance with chapters 39.19, 39.29, and
17 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917,
18 43.19.1937, (~~(43.19.534)~~) 43.19.685, 43.19.700 through 43.19.704, and
19 43.19.560 through 43.19.637.

1 (d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by
2 institutions of higher education may be made by using contracts for
3 materials, supplies, services, or equipment negotiated or entered into
4 by, for, or through group purchasing organizations.

5 (e) The community and technical colleges shall comply with RCW
6 43.19.450.

7 (f) Except for the University of Washington, institutions of higher
8 education shall comply with RCW 43.41.310, 43.41.290, and 43.41.350.

9 (g) If an institution of higher education can satisfactorily
10 demonstrate to the director of the office of financial management that
11 the cost of compliance is greater than the value of benefits from any
12 of the following statutes, then it shall be exempt from them: RCW
13 43.19.685, (~~43.19.534,~~) and 43.19.637.

14 (h) Any institution of higher education that chooses to exercise
15 independent purchasing authority for a commodity or group of
16 commodities shall notify the director of general administration.
17 Thereafter the director of general administration shall not be required
18 to provide those services for that institution for the duration of the
19 general administration contract term for that commodity or group of
20 commodities.

21 (2) The council of presidents and the state board for community and
22 technical colleges shall convene its correctional industries business
23 development advisory committee, and work collaboratively with
24 correctional industries, to:

25 (a) Reaffirm purchasing criteria and ensure that quality, service,
26 and timely delivery result in the best value for expenditure of state
27 dollars;

28 (b) Update the approved list of correctional industries products
29 from which higher education shall purchase; and

30 (c) Develop recommendations on ways to continue to build
31 correctional industries' business with institutions of higher
32 education.

33 (3) Higher education and correctional industries shall develop a
34 plan to build higher education business with correctional industries to
35 increase higher education purchases of correctional industries
36 products, based upon the criteria established in subsection (2) of this
37 section. The plan shall include the correctional industries'
38 production and sales goals for higher education and an approved list of

1 products from which higher education institutions shall purchase, based
2 on the criteria established in subsection (2) of this section. Higher
3 education and correctional industries shall report to the legislature
4 regarding the plan and its implementation no later than January 30,
5 2005.

6 (4)(a) Institutions of higher education shall set as a target to
7 contract, beginning not later than June 30, 2006, to purchase one
8 percent of the total goods and services required by the institutions
9 each year produced or provided in whole or in part from class II inmate
10 work programs operated by the department of corrections. Institutions
11 of higher education shall set as a target to contract, beginning not
12 later than June 30, 2008, to purchase two percent of the total goods
13 and services required by the institutions each year produced or
14 provided in whole or in part from class II inmate work programs
15 operated by the department of corrections.

16 (b) Institutions of higher education shall endeavor to assure the
17 department of corrections has notifications of bid opportunities with
18 the goal of meeting or exceeding the purchasing target in (a) of this
19 subsection.

20 (5) 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 ***NEW SECTION. Sec. 2. This act is necessary for the immediate**
31 **preservation of the public peace, health, or safety, or support of the**
32 **state government and its existing public institutions, and takes effect**
33 **immediately.**

**Sec. 2 was vetoed. See message at end of chapter.*

Passed by the House April 14, 2011.
Passed by the Senate April 6, 2011.
Approved by the Governor April 29, 2011, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State April 29, 2011.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2, Substitute House Bill 1663 entitled:

"AN ACT Relating to the purchasing authority of institutions of higher education."

This bill removes higher education institutions from the requirement to seek approval from the Office of Financial Management to be exempted from certain purchasing from the Department of Corrections. Section 2 of this bill is an emergency clause that is not necessary. Higher education institutions have been exceeding the minimum 2% purchase target from Correctional Industries, and there is no need for the bill to go into effect immediately.

For this reason, I have vetoed Section 2 of Substitute House Bill 1663. With the exception of Section 2, Substitute House Bill 1663 is approved."