

2 **ESHB 1509** - S AMD - 000827

3 By Senator Bauer

4 ADOPTED AS AMENDED BY 000833 - 4/15/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature acknowledges the academic  
8 freedom of institutions of higher education, and seeks to improve their  
9 efficiency and effectiveness in carrying out their missions. By this  
10 act, the legislature intends to increase the flexibility of  
11 institutions of higher education to manage personnel, construction,  
12 purchasing, printing, and tuition.

13 **PART I**  
14 **PURCHASING, PRINTING, AND CONSTRUCTION AUTHORITY**

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

17 (1) An institution of higher education may exercise independently  
18 those powers otherwise granted to the director of general  
19 administration in chapter 43.19 RCW in connection with the purchase and  
20 disposition of all material, supplies, services, and equipment needed  
21 for the support, maintenance, and use of the respective institution of  
22 higher education. Property disposition policies followed by  
23 institutions of higher education shall be consistent with policies  
24 followed by the department of general administration. Purchasing  
25 policies and procedures followed by institutions of higher education  
26 shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and  
27 RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937,  
28 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.550  
29 through 43.19.637. The community and technical colleges shall comply  
30 with RCW 43.19.450. Except for the University of Washington,  
31 institutions of higher education shall comply with RCW 43.19.1935,  
32 43.19.19363, and 43.19.19368. If an institution of higher education  
33 can satisfactorily demonstrate to the director of the office of  
34 financial management that the cost of compliance is greater than the

1 value of benefits from any of the following statutes, then it shall be  
2 exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any  
3 institution of higher education that chooses to exercise independent  
4 purchasing authority for a commodity or group of commodities shall  
5 notify the director of general administration. Thereafter the director  
6 of general administration shall not be required to provide those  
7 services for that institution for the duration of the general  
8 administration contract term for that commodity or group of  
9 commodities.

10 (2) An institution of higher education may exercise independently  
11 those powers otherwise granted to the public printer in chapter 43.78  
12 RCW in connection with the production or purchase of any printing and  
13 binding needed by the respective institution of higher education.  
14 Purchasing policies and procedures followed by institutions of higher  
15 education shall be in compliance with chapter 39.19 RCW. Any  
16 institution of higher education that chooses to exercise independent  
17 printing production or purchasing authority shall notify the public  
18 printer. Thereafter the public printer shall not be required to  
19 provide those services for that institution.

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

22 The director of general administration, through the state  
23 purchasing and material control director, shall:

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

27 (2) Purchase all material, supplies, services, and equipment needed  
28 for the support, maintenance, and use of all state institutions,  
29 colleges, community colleges, technical colleges, college districts,  
30 and universities, the offices of the elective state officers, the  
31 supreme court, the court of appeals, the administrative and other  
32 departments of state government, and the offices of all appointive  
33 officers of the state: PROVIDED, That the provisions of RCW 43.19.190  
34 through 43.19.1937 do not apply in any manner to the operation of the  
35 state legislature except as requested by said legislature: PROVIDED,  
36 That primary authority for the purchase of specialized equipment,  
37 instructional, and research material for their own use shall rest with  
38 the colleges, community colleges, and universities: PROVIDED FURTHER,

1 That universities operating hospitals and the state purchasing and  
2 material control director, as the agent for state hospitals as defined  
3 in RCW 72.23.010, and for health care programs provided in state  
4 correctional institutions as defined in RCW 72.65.010(3) and veterans'  
5 institutions as defined in RCW 72.36.010 and 72.36.070, may make  
6 purchases for hospital operation by participating in contracts for  
7 materials, supplies, and equipment entered into by nonprofit  
8 cooperative hospital ((service)) group purchasing organizations ((as  
9 defined in section 501(e) of the Internal Revenue Code, or its  
10 successor)): PROVIDED FURTHER, That primary authority for the purchase  
11 of materials, supplies, and equipment for resale to other than public  
12 agencies shall rest with the state agency concerned: PROVIDED FURTHER,  
13 That authority to purchase services as included herein does not apply  
14 to personal services as defined in chapter 39.29 RCW, unless such  
15 organization specifically requests assistance from the division of  
16 purchasing in obtaining personal services and resources are available  
17 within the division to provide such assistance: PROVIDED FURTHER, That  
18 the authority for the purchase of insurance and bonds shall rest with  
19 the risk manager under RCW 43.19.1935 (as now or hereafter amended):  
20 PROVIDED FURTHER, That, except for the authority of the risk manager to  
21 purchase insurance and bonds, the director is not required to provide  
22 purchasing services for institutions of higher education that choose to  
23 exercise independent purchasing authority under section 101 of this  
24 act;

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

27 (4) Have authority to delegate to state agencies authorization to  
28 purchase or sell, which authorization shall specify restrictions as to  
29 dollar amount or to specific types of material, equipment, services,  
30 and supplies: PROVIDED, That acceptance of the purchasing  
31 authorization by a state agency does not relieve such agency from  
32 conformance with other sections of RCW 43.19.190 through 43.19.1939,  
33 (as now or hereafter amended,) or from policies established by the  
34 director after consultation with the state supply management advisory  
35 board: PROVIDED FURTHER, That delegation of such authorization to a  
36 state agency, including an educational institution to which this  
37 section applies, to purchase or sell material, equipment, services, and  
38 supplies shall not be granted, or otherwise continued under a previous  
39 authorization, if such agency is not in substantial compliance with

1 overall state purchasing and material control policies as established  
2 herein;

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

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

8 (7) Prescribe the manner in which supplies, materials, and  
9 equipment purchased through the division shall be delivered, stored,  
10 and distributed;

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

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

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

18 (11) Prepare rules and regulations governing the relationship and  
19 procedures between the division of purchasing and state agencies and  
20 vendors;

21 (12) Publish procedures and guidelines for compliance by all state  
22 agencies, including those educational institutions to which this  
23 section applies, which implement overall state purchasing and material  
24 control policies;

25 (13) Conduct periodic visits to state agencies, including those  
26 educational institutions to which this section applies, to determine if  
27 statutory provisions and supporting purchasing and material control  
28 policies are being fully implemented, and based upon such visits, take  
29 corrective action to achieve compliance with established purchasing and  
30 material control policies under existing statutes when required.

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

33 Insofar as practicable, all purchases and sales shall be based on  
34 competitive bids, and a formal sealed bid procedure shall be used as  
35 standard procedure for all purchases and contracts for purchases and  
36 sales executed by the state purchasing and material control director  
37 and under the powers granted by RCW 43.19.190 through 43.19.1939(~~as~~  
38 ~~now or hereafter amended~~). This requirement also applies to purchases

1 and contracts for purchases and sales executed by agencies, including  
2 educational institutions, under delegated authority granted in  
3 accordance with provisions of RCW 43.19.190 (~~as now or hereafter~~  
4 ~~amended~~) or under section 101 of this act. However, formal sealed  
5 bidding is not necessary for:

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

9 (2) Purchases not exceeding five thousand dollars, or subsequent  
10 limits as calculated by the office of financial management: PROVIDED,  
11 That the state director of general administration shall establish  
12 procedures to assure that purchases made by or on behalf of the various  
13 state agencies shall not be made so as to avoid the five thousand  
14 dollar bid limitation, or subsequent bid limitations as calculated by  
15 the office of financial management: PROVIDED FURTHER, That the state  
16 purchasing and material control director is authorized to reduce the  
17 formal sealed bid limits of five thousand dollars, or subsequent limits  
18 as calculated by the office of financial management, to a lower dollar  
19 amount for purchases by individual state agencies(~~(, including~~  
20 ~~purchases of specialized equipment, instructional, and research~~  
21 ~~equipment and materials by colleges and universities,)~~) if considered  
22 necessary to maintain full disclosure of competitive procurement or  
23 otherwise to achieve overall state efficiency and economy in purchasing  
24 and material control. Quotations from four hundred dollars to five  
25 thousand dollars, or subsequent limits as calculated by the office of  
26 financial management, shall be secured from enough vendors to assure  
27 establishment of a competitive price and may be obtained by telephone  
28 or written quotations, or both. Immediately after the award is made,  
29 the bid quotations obtained shall be recorded and open to public  
30 inspection and shall be available by telephone inquiry. A record of  
31 competition for all such purchases from four hundred dollars to five  
32 thousand dollars, or subsequent limits as calculated by the office of  
33 financial management, shall be documented for audit purposes on a  
34 standard state form approved by the forms management center under the  
35 provisions of RCW 43.19.510. Purchases up to four hundred dollars may  
36 be made without competitive bids based on buyer experience and  
37 knowledge of the market in achieving maximum quality at minimum cost:  
38 PROVIDED, That this four hundred dollar direct buy limit without  
39 competitive bids may be increased incrementally as required to a

1 maximum of eight hundred dollars with the approval of at least ten of  
2 the members of the state supply management advisory board, if warranted  
3 by increases in purchasing costs due to inflationary trends;

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

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

10 (5) Purchases and contracts for vocational rehabilitation clients  
11 of the department of social and health services: PROVIDED, That this  
12 exemption is effective only when the state purchasing and material  
13 control director, after consultation with the director of the division  
14 of vocational rehabilitation and appropriate department of social and  
15 health services procurement personnel, declares that such purchases may  
16 be best executed through direct negotiation with one or more suppliers  
17 in order to expeditiously meet the special needs of the state's  
18 vocational rehabilitation clients;

19 (6) Purchases by universities for hospital operation or biomedical  
20 teaching or research purposes and by the state purchasing and material  
21 control director, as the agent for state hospitals as defined in RCW  
22 72.23.010, and for health care programs provided in state correctional  
23 institutions as defined in RCW 72.65.010(3) and veterans' institutions  
24 as defined in RCW 72.36.010 and 72.36.070, made by participating in  
25 contracts for materials, supplies, and equipment entered into by  
26 nonprofit cooperative hospital ((service)) group purchasing  
27 organizations ((as defined in section 501(e) of the Internal Revenue  
28 Code, or its successor));

29 (7) Purchases by institutions of higher education not exceeding  
30 fifteen thousand dollars (~~that are funded by research grant or~~  
31 ~~contract funds, or other nonstate appropriated funds~~): PROVIDED, That  
32 for purchases between two thousand five hundred dollars and fifteen  
33 thousand dollars quotations shall be secured from enough vendors to  
34 assure establishment of a competitive price and may be obtained by  
35 telephone or written quotations, or both. A record of competition for  
36 all such purchases made from two thousand five hundred to fifteen  
37 thousand dollars shall be documented for audit purposes (~~on a standard~~  
38 ~~state form approved by the forms management center under provisions of~~  
39 ~~RCW 43.19.510~~)); and

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

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

11 The public printer shall print and bind the session laws, the  
12 journals of the two houses of the legislature, all bills, resolutions,  
13 documents, and other printing and binding of either the senate or  
14 house, as the same may be ordered by the legislature; and such forms,  
15 blanks, record books, and printing and binding of every description as  
16 may be ordered by all state officers, boards, commissions, and  
17 institutions, and the supreme court, and the court of appeals and  
18 officers thereof, as the same may be ordered on requisition, from time  
19 to time, by the proper authorities. This section shall not apply to  
20 the printing of the supreme court and the court of appeals reports,  
21 (~~(or)~~) to the printing of bond certificates or bond offering disclosure  
22 documents, or to any printing done or contracted for by institutions of  
23 higher education: PROVIDED, That institutions of higher education, in  
24 consultation with the public printer, develop vendor selection  
25 procedures comparable to those used by the public printer for  
26 contracted printing jobs. Where any institution or institution of  
27 higher learning of the state is or may become equipped with facilities  
28 for doing such work, it may do any printing: (1) For itself, or (2)  
29 for any other state institution when such printing is done as part of  
30 a course of study relative to the profession of printer. Any printing  
31 and binding of whatever description as may be needed by any  
32 (~~(institution of higher learning,)~~) institution or agency of the state  
33 department of social and health services not at Olympia, or the supreme  
34 court or the court of appeals or any officer thereof, the estimated  
35 cost of which shall not exceed one thousand dollars, may be done by any  
36 private printing company in the general vicinity within the state of  
37 Washington so ordering, if in the judgment of the officer of the agency  
38 so ordering, the saving in time and processing justifies the award to

1 such local private printing concern. ((Further, where any printing or  
2 binding needed by an institution of higher education is to be paid for  
3 from research grant or contract funds, short course revenues, or other  
4 nonstate appropriated funding source, such printing or binding may be  
5 done by any private printing company in the state of Washington,  
6 irrespective of the dollar limit specified in this section, when in the  
7 judgment of the officer of the institution so ordering, the saving in  
8 time or cost justifies the award to such local private printing  
9 concern.))

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

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

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

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

25 The public printer shall furnish all paper, stock, and binding  
26 materials required in all public work, and shall charge the same to the  
27 state, as it is actually used, at the actual price at which it was  
28 purchased plus five percent for waste, insurance, storage, and  
29 handling. This section does not apply to institutions of higher  
30 education.

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

33 Whenever in the judgment of the public printer certain printing,  
34 ruling, binding, or supplies can be secured from private sources more  
35 economically than by doing the work or preparing the supplies in the  
36 state printing plant, ((he)) the public printer may obtain such work or

1 supplies from such private sources. (~~The public printer shall notify~~  
2 ~~day training centers, group training homes, and sheltered workshops~~  
3 ~~providing printing and related trade services under RCW 43.19.532 of~~  
4 ~~the opportunity to bid on the provision of such work or supplies under~~  
5 ~~this section.~~)

6 In event any work or supplies are secured on behalf of the state  
7 under this section the state printing plant shall be entitled to add up  
8 to five percent to the cost thereof to cover the handling of the orders  
9 which shall be added to the bills and charged to the respective  
10 authorities ordering the work or supplies. The five percent handling  
11 charge shall not apply to contracts with institutions of higher  
12 education.

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

15 The boards of trustees of college districts are empowered in  
16 accordance with the provisions of this chapter to provide for the  
17 construction, reconstruction, erection, equipping, demolition, and  
18 major alterations of buildings and other capital assets, and the  
19 acquisition of sites, rights-of-way, easements, improvements, or  
20 appurtenances for the use of the aforementioned colleges as authorized  
21 by the college board in accordance with RCW 28B.50.140; to be financed  
22 by bonds payable out of special funds from revenues hereafter derived  
23 from income received from such facilities, gifts, bequests, or grants,  
24 and such additional funds as the legislature may provide, and payable  
25 out of a bond retirement fund to be established by the respective  
26 district boards in accordance with rules and regulations of the state  
27 board. With respect to building, improvements, or repairs, or other  
28 work, where the estimated cost exceeds (~~fifteen~~) twenty-five thousand  
29 dollars, complete plans and specifications for such work shall be  
30 prepared (~~and such work shall be prepared~~) and such work shall be put  
31 out for public bids and the contract shall be awarded to the lowest  
32 responsible bidder if in accordance with the bid specifications:  
33 PROVIDED, That when such building, construction, renovation,  
34 remodeling, or demolition involves one trade or craft area and the  
35 estimated cost exceeds ten thousand dollars, complete plans and  
36 specifications for such work shall be prepared and such work shall be  
37 put out for public bids, and the contract shall be awarded to the  
38 lowest responsible bidder if in accordance with the bid specifications.

1 This subsection shall not apply when a contract is awarded by the small  
2 works procedure authorized in RCW 39.04.150: PROVIDED FURTHER, That  
3 any project regardless of dollar amount may be put to public bid.

4 Where the estimated cost to any college of any building,  
5 improvements, or repairs, or other work, is less than ((five)) twenty-  
6 five thousand dollars, the publication requirements of RCW 39.04.020  
7 ((and 39.04.070)) shall be inapplicable.

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

10 (1) When the cost to The Evergreen State College, any regional  
11 university, or state university, of any building, construction,  
12 renovation, remodeling, or demolition other than maintenance or repairs  
13 will equal or exceed the sum of twenty-five thousand dollars, complete  
14 plans and specifications for such work shall be prepared and such work  
15 shall be put out for public bids and the contract shall be awarded to  
16 the lowest responsible bidder if in accordance with the bid  
17 specifications: PROVIDED, That when the estimated cost of such  
18 building, construction, renovation, remodeling, or demolition equals or  
19 exceeds the sum of twenty-five thousand dollars, such project shall be  
20 deemed a public works and "the prevailing rate of wage," under chapter  
21 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when  
22 such building, construction, renovation, remodeling, or demolition  
23 involves one trade or craft area and the estimated cost exceeds ten  
24 thousand dollars, complete plans and specifications for such work shall  
25 be prepared and such work shall be put out for public bids, and the  
26 contract shall be awarded to the lowest responsible bidder if in  
27 accordance with the bid specifications. This subsection shall not  
28 apply when a contract is awarded by the small works procedure  
29 authorized in RCW 28B.10.355.

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

33 (3) Where the estimated cost to The Evergreen State College, any  
34 regional university, or state university of any building,  
35 construction, renovation, remodeling, or demolition is less than  
36 twenty-five thousand dollars or the contract is awarded by the small  
37 works procedure authorized in RCW 28B.10.355, the publication  
38 requirements of RCW 39.04.020 ((and 39.04.090)) shall be inapplicable.

1 (4) In the event of any emergency when the public interest or  
2 property of The Evergreen State College, regional university, or state  
3 university would suffer material injury or damage by delay, the  
4 president of such college or university may declare the existence of  
5 such an emergency and reciting the facts constituting the same may  
6 waive the requirements of this section with reference to any contract  
7 in order to correct the condition causing the emergency: PROVIDED,  
8 That an "emergency," for the purposes of this section, means a  
9 condition likely to result in immediate physical injury to persons or  
10 to property of such college or university in the absence of prompt  
11 remedial action or a condition which immediately impairs the  
12 institution's ability to perform its educational obligations.

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

15 Each board of regents of the state universities and each board of  
16 trustees of the regional universities and The Evergreen State College  
17 may establish a small works roster. The small works roster authorized  
18 by this section may be used for any public works project for which the  
19 estimated cost is less than (~~(fifty)~~) one hundred thousand dollars.  
20 Each board shall adopt rules to implement this section.

21 The roster shall be composed of all responsible contractors who  
22 have requested to be on the list. Each board shall establish a  
23 procedure for securing telephone or written quotations from the  
24 contractors on the small works roster to assure establishment of a  
25 competitive price and for awarding contracts to the lowest responsible  
26 bidder. This procedure shall require either that a good faith effort  
27 be made to request quotations from all contractors on the small works  
28 roster who have indicated the capability of performing the kind of  
29 public works being contracted or that the board shall solicit  
30 quotations from at least five contractors in a manner that will  
31 equitably distribute the opportunity among contractors on the roster.  
32 Immediately after an award is made, the bid quotations obtained shall  
33 be recorded, open to public inspection and available by telephone  
34 inquiry. Each board may adopt a procedure to prequalify contractors  
35 for inclusion on the small works roster. No board may be required to  
36 make available for public inspection or copying under chapter 42.17 RCW  
37 financial information required to be provided by the prequalification  
38 procedure.

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

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

7 Whenever the state((~~7~~)) or any municipality shall determine that  
8 any public work is necessary to be done, it shall cause plans,  
9 specifications, or both thereof and an estimate of the cost of such  
10 work to be made and filed in the office of the director, supervisor,  
11 commissioner, trustee, board, or agency having by law the authority to  
12 require such work to be done. The plans, specifications, and estimates  
13 of cost shall be approved by the director, supervisor, commissioner,  
14 trustee, board, or agency and the original draft or a certified copy  
15 filed in such office before further action is taken.

16 If the state((~~7~~)) or such municipality shall determine that it is  
17 necessary or advisable that such work shall be executed by any means or  
18 method other than by contract or by a small works roster process, and  
19 it shall appear by such estimate that the probable cost of executing  
20 such work will exceed the sum of fifteen thousand dollars or the  
21 amounts specified in RCW 28B.10.350 or 28B.10.355 for colleges and  
22 universities, or the amounts specified in RCW 28B.50.330 or 39.04.150  
23 for community colleges and technical colleges, then the state or such  
24 municipality shall at least fifteen days before beginning work cause  
25 such estimate, together with a description of the work, to be published  
26 at least once in a legal newspaper of general circulation published in  
27 or as near as possible to that part of the county in which such work is  
28 to be done: PROVIDED, That when any emergency shall require the  
29 immediate execution of such public work, upon a finding of the  
30 existence of such emergency by the authority having power to direct  
31 such public work to be done and duly entered of record, publication of  
32 description and estimate may be made within seven days after the  
33 commencement of the work.

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

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

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

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

14 (4) Construction, repair, or alteration projects estimated to cost  
15 less than fifty thousand dollars, or less than one hundred thousand  
16 dollars for projects managed by the department of general  
17 administration for community colleges and technical colleges, as  
18 defined under chapter 28B.50 RCW, are exempt from the requirement that  
19 the contracts be awarded after advertisement and competitive bid as  
20 defined by RCW 39.04.010. In lieu of advertisement and competitive  
21 bid, the agency shall solicit at least five quotations, confirmed in  
22 writing, from contractors chosen by random number generated by computer  
23 from the contractors on the small works roster for the category of job  
24 type involved and shall award the work to the party with the lowest  
25 quotation or reject all quotations. If the agency is unable to solicit  
26 quotations from five qualified contractors on the small works roster  
27 for a particular project, then the project shall be advertised and  
28 competitively bid. The agency shall solicit quotations randomly from  
29 contractors on the small works roster in a manner which will equitably  
30 distribute the opportunity for these contracts among contractors on the  
31 roster: PROVIDED, That whenever possible, the agency shall invite at  
32 least one proposal from a minority contractor who shall otherwise  
33 qualify to perform such work. Immediately after an award is made, the  
34 bid quotations obtained shall be recorded, open to public inspection,  
35 and available by telephone request.

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

1 (6) The director of general administration shall adopt by rule a  
2 procedure to prequalify contractors for inclusion on the small works  
3 roster. Each agency shall follow the procedure adopted by the director  
4 of general administration. No agency shall be required to make  
5 available for public inspection or copying under chapter 42.17 RCW  
6 financial information required to be provided by the prequalification  
7 procedure.

8 (7) An agency may adopt by rule procedures to implement this  
9 section which shall not be inconsistent with the procedures adopted by  
10 the director of the department of general administration pursuant to  
11 subsection (6) of this section.

12 **PART II**

13 **LOCAL TUITION AUTHORITY**

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

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

1 be retained by the institutions, except the technical colleges, for the  
2 purposes of RCW 28B.15.820(~~(: PROVIDED FURTHER, That money received by~~  
3 ~~institutions of higher education from the periodic payment plan~~  
4 ~~authorized by RCW 28B.15.411 shall be transmitted to the state~~  
5 ~~treasurer within five days following the close of registration of the~~  
6 ~~appropriate quarter or semester))~~).

7 **Sec. 202.** RCW 28B.15.202 and 1992 c 231 s 7 are each amended to  
8 read as follows:

9 Tuition fees and maximum services and activities fees at the  
10 University of Washington and at Washington State University for other  
11 than the summer term shall be as follows:

12 (1) For full time resident undergraduate students and all other  
13 full time resident students not in graduate study programs or enrolled  
14 in programs leading to the degrees of doctor of medicine, doctor of  
15 dental surgery, and doctor of veterinary medicine, the total tuition  
16 fees shall be thirty-three percent of the per student undergraduate  
17 educational costs at the state universities computed as provided in RCW  
18 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each  
19 academic year shall be one hundred and twenty dollars. Beginning with  
20 the 1995-96 academic year the building fee for each academic year shall  
21 be a percentage of total tuition fees. This percentage shall be  
22 calculated by the higher education coordinating board and be based on  
23 the actual percentage the building fee is of total tuition in the 1994-  
24 95 academic year, rounded up to the nearest half percent.

25 (2) For full time resident graduate and law students not enrolled  
26 in programs leading to the degrees of doctor of medicine, doctor of  
27 dental surgery, and doctor of veterinary medicine, the total tuition  
28 fees shall be twenty-three percent of the per student graduate  
29 educational costs at the state universities computed as provided in RCW  
30 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each  
31 academic year shall be one hundred and twenty dollars. Beginning with  
32 the 1995-96 academic year the building fee for each academic year shall  
33 be a percentage of total tuition fees. This percentage shall be  
34 calculated by the higher education coordinating board and be based on  
35 the actual percentage the building fee is of total tuition in the 1994-  
36 95 academic year, rounded up to the nearest half percent.

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 total tuition fees shall be one hundred  
2 sixty-seven percent of such fees charged in subsection (2) of this  
3 section: PROVIDED, That the building fees for each academic year shall  
4 be three hundred and forty-two dollars. Beginning with the 1995-96  
5 academic year the building fee for each academic year shall be a  
6 percentage of total tuition fees. This percentage shall be calculated  
7 by the higher education coordinating board and be based on the actual  
8 percentage the building fee is of total tuition in the 1994-95 academic  
9 year, rounded up to the nearest half percent.

10 (4) For full time nonresident undergraduate students and such other  
11 full time nonresident students not in graduate study programs or  
12 enrolled in programs leading to the degrees of doctor of medicine,  
13 doctor of dental surgery, or doctor of veterinary medicine, the total  
14 tuition fees shall be one hundred percent of the per student  
15 undergraduate educational costs at the state universities computed as  
16 provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building  
17 fees for each academic year shall be three hundred and fifty-four  
18 dollars. Beginning with the 1995-96 academic year the building fee for  
19 each academic year shall be a percentage of total tuition fees. This  
20 percentage shall be calculated by the higher education coordinating  
21 board and be based on the actual percentage the building fee is of  
22 total tuition in the 1994-95 academic year, rounded up to the nearest  
23 half percent.

24 (5) For full time nonresident graduate and law students not  
25 enrolled in programs leading to the degrees of doctor of medicine,  
26 doctor of dental surgery, and doctor of veterinary medicine, the total  
27 tuition fees shall be sixty percent of the per student graduate  
28 educational costs at the state universities computed as provided in RCW  
29 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each  
30 academic year shall be three hundred and fifty-four dollars. Beginning  
31 with the 1995-96 academic year the building fee for each academic year  
32 shall be a percentage of total tuition fees. This percentage shall be  
33 calculated by the higher education coordinating board and be based on  
34 the actual percentage the building fee is of total tuition in the 1994-  
35 95 academic year, rounded up to the nearest half percent.

36 (6) For full time nonresident students enrolled in programs leading  
37 to the degrees of doctor of medicine, doctor of dental surgery, and  
38 doctor of veterinary medicine, the total tuition fees shall be one  
39 hundred sixty-seven percent of such fees charged in subsection (5) of

1 this section: PROVIDED, That the building fees for each academic year  
2 shall be five hundred and fifty-five dollars. Beginning with the 1995-  
3 96 academic year the building fee for each academic year shall be a  
4 percentage of total tuition fees. This percentage shall be calculated  
5 by the higher education coordinating board and be based on the actual  
6 percentage the building fee is of total tuition in the 1994-95 academic  
7 year, rounded up to the nearest half percent.

8 (7) The governing boards of the state universities shall charge to  
9 and collect from each student, a services and activities fee. The  
10 governing board may increase the existing fee annually, consistent with  
11 budgeting procedures set forth in RCW 28B.15.045, by a percentage not  
12 to exceed the annual percentage increase in resident undergraduate  
13 tuition fees: PROVIDED, That such percentage increase shall not apply  
14 to that portion of the services and activities fee previously committed  
15 to the repayment of bonded debt. The services and activities fee  
16 committee provided for in RCW 28B.15.045 may initiate a request to the  
17 governing board for a fee increase.

18 **Sec. 203.** RCW 28B.15.402 and 1992 c 231 s 10 are each amended to  
19 read as follows:

20 Tuition fees and maximum services and activities fees at the  
21 regional universities and The Evergreen State College for other than  
22 the summer term shall be as follows:

23 (1) For full time resident undergraduate students and all other  
24 full time resident students not in graduate study programs, the total  
25 tuition fees shall be twenty-five percent of the per student  
26 undergraduate educational costs at the regional universities computed  
27 as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the  
28 building fees for each academic year shall be seventy-six dollars and  
29 fifty cents. Beginning with the 1995-96 academic year the building fee  
30 for each academic year shall be a percentage of total tuition fees.  
31 This percentage shall be calculated by the higher education  
32 coordinating board and be based on the actual percentage the building  
33 fee is of total tuition in the 1994-95 academic year, rounded up to the  
34 nearest half percent.

35 (2) For full time resident graduate students, the total tuition  
36 fees shall be twenty-three percent of the per student graduate  
37 educational costs at the regional universities computed as provided in  
38 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for

1 each academic year shall be seventy-six dollars and fifty cents.  
2 Beginning with the 1995-96 academic year the building fee for each  
3 academic year shall be a percentage of total tuition fees. This  
4 percentage shall be calculated by the higher education coordinating  
5 board and be based on the actual percentage the building fee is of  
6 total tuition in the 1994-95 academic year, rounded up to the nearest  
7 half percent.

8 (3) For full time nonresident undergraduate students and all other  
9 full time nonresident students not in graduate study programs, the  
10 total tuition fees shall be one hundred 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 two hundred and  
14 ninety-five dollars and fifty cents. Beginning with the 1995-96  
15 academic year the building fee for each academic year shall be a  
16 percentage of total tuition fees. This percentage shall be calculated  
17 by the higher education coordinating board and be based on the actual  
18 percentage the building fee is of total tuition in the 1994-95 academic  
19 year, rounded up to the nearest half percent.

20 (4) For full time nonresident graduate students, the total tuition  
21 fees shall be seventy-five percent of the per student graduate  
22 educational costs at the regional universities computed as provided in  
23 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for  
24 each academic year shall be two hundred and ninety-five dollars and  
25 fifty cents. Beginning with the 1995-96 academic year the building fee  
26 for each academic year shall be a percentage of total tuition fees.  
27 This percentage shall be calculated by the higher education  
28 coordinating board and be based on the actual percentage the building  
29 fee is of total tuition in the 1994-95 academic year, rounded up to the  
30 nearest half percent.

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

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

3 **Sec. 204.** RCW 28B.15.502 and 1992 c 231 s 11 are each amended to  
4 read as follows:

5 Tuition fees and maximum services and activities fees at each  
6 community college for other than the summer term shall be set by the  
7 state board for community and technical colleges as follows:

8 (1) For full time resident students, the total tuition fees shall  
9 be twenty-three percent of the per student educational costs at the  
10 community colleges computed as provided in RCW 28B.15.067 and  
11 28B.15.070: PROVIDED, That the building fees for each academic year  
12 shall be one hundred and twenty-seven dollars and fifty cents.  
13 Beginning with the 1995-96 academic year the building fee for each  
14 academic year shall be a percentage of total tuition fees. This  
15 percentage shall be calculated by the higher education coordinating  
16 board and be based on the actual percentage the building fee is of  
17 total tuition in the 1994-95 academic year, rounded up to the nearest  
18 half percent.

19 (2) For full time nonresident students, the total tuition fees  
20 shall be one hundred percent of the per student educational costs at  
21 the community colleges computed as provided in RCW 28B.15.067 and  
22 28B.15.070: PROVIDED, That the building fees for each academic year  
23 shall be four hundred and three dollars and fifty cents. Beginning  
24 with the 1995-96 academic year the building fee for each academic year  
25 shall be a percentage of total tuition fees. This percentage shall be  
26 calculated by the higher education coordinating board and be based on  
27 the actual percentage the building fee is of total tuition in the 1994-  
28 95 academic year, rounded up to the nearest half percent.

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

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.

35 NEW SECTION. **Sec. 206.** RCW 28B.15.824 and 1992 c 231 s 36 are  
36 each repealed.

**PART III**  
**EMPLOYMENT RELATIONS**

1  
2  
3     NEW SECTION.   **Sec. 301.** A new section is added to chapter 41.56  
4 RCW to read as follows:

5         In addition to the entities listed in RCW 41.56.020, this chapter  
6 shall apply to institutions of higher education with respect to the  
7 employees included in a bargaining unit that has exercised the option  
8 specified in section 304 of this act.

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

11         As used in this chapter:

12         (1) "Public employer" means any officer, board, commission,  
13 council, or other person or body acting on behalf of any public body  
14 governed by this chapter (~~as designated by RCW 41.56.020~~), or any  
15 subdivision of such public body. For the purposes of this section, the  
16 public employer of district court or superior court employees for wage-  
17 related matters is the respective county legislative authority, or  
18 person or body acting on behalf of the legislative authority, and the  
19 public employer for nonwage-related matters is the judge or judge's  
20 designee of the respective district court or superior court.

21         (2) "Public employee" means any employee of a public employer  
22 except any person (a) elected by popular vote, or (b) appointed to  
23 office pursuant to statute, ordinance or resolution for a specified  
24 term of office by the executive head or body of the public employer, or  
25 (c) whose duties as deputy, administrative assistant or secretary  
26 necessarily imply a confidential relationship to the executive head or  
27 body of the applicable bargaining unit, or any person elected by  
28 popular vote or appointed to office pursuant to statute, ordinance or  
29 resolution for a specified term of office by the executive head or body  
30 of the public employer, or (d) who is a personal assistant to a  
31 district court judge, superior court judge, or court commissioner. For  
32 the purpose of (d) of this subsection, no more than one assistant for  
33 each judge or commissioner may be excluded from a bargaining unit.

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

1 (4) "Collective bargaining" means the performance of the mutual  
2 obligations of the public employer and the exclusive bargaining  
3 representative to meet at reasonable times, to confer and negotiate in  
4 good faith, and to execute a written agreement with respect to  
5 grievance procedures and collective negotiations on personnel matters,  
6 including wages, hours and working conditions, which may be peculiar to  
7 an appropriate bargaining unit of such public employer, except that by  
8 such obligation neither party shall be compelled to agree to a proposal  
9 or be required to make a concession unless otherwise provided in this  
10 chapter. In the case of the Washington state patrol, "collective  
11 bargaining" shall not include wages and wage-related matters.

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

13 (6) "Executive director" means the executive director of the  
14 commission.

15 (7) "Uniformed personnel" means (a) law enforcement officers as  
16 defined in RCW 41.26.030 as now or hereafter amended, of cities with a  
17 population of fifteen thousand or more or law enforcement officers  
18 employed by the governing body of any county with a population of  
19 seventy thousand or more, or (b) fire fighters as that term is defined  
20 in RCW 41.26.030, as now or hereafter amended.

21 (8) "Institution of higher education" means the University of  
22 Washington, Washington State University, Central Washington University,  
23 Eastern Washington University, Western Washington University, The  
24 Evergreen State College, and the various state community colleges.

25 **Sec. 303.** RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each  
26 amended to read as follows:

27 (1) It shall be the duty of the commission, in order to prevent or  
28 minimize interruptions growing out of labor disputes, to assist  
29 employers and employees to settle such disputes through mediation and  
30 fact-finding.

31 (2) The commission, through the director, may proffer its services  
32 in any labor dispute (~~(involving a political subdivision, municipal~~  
33 ~~corporation, or the community college system of the state)) arising  
34 under a collective bargaining statute administered by the commission,  
35 either upon its own motion or upon the request of one or more of the  
36 parties to the dispute, whenever in its judgment such dispute threatens  
37 to cause a substantial disruption to the public welfare.~~

1 (3) If the director is not able to bring the parties to agreement  
2 by mediation within a reasonable time, ((he)) the director shall seek  
3 to induce the parties to voluntarily seek other means of settling the  
4 dispute without resort to strike or other coercion, including  
5 submission to the employees in the bargaining unit of the employer's  
6 last offer of settlement for approval or rejection in a secret ballot.  
7 The failure or refusal of either party to agree to any procedure  
8 suggested by the director shall not be deemed a violation of any duty  
9 or obligation imposed by this chapter.

10 (4) Final adjustment by a method agreed upon by the parties is  
11 declared to be the desirable method for settlement of grievance  
12 disputes arising over the application or interpretation of an existing  
13 collective bargaining agreement. The commission is directed to make  
14 its mediation and fact-finding services available in the settlement of  
15 such grievance disputes only as a last resort.

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

18 (1) At any time after July 1, 1993, an institution of higher  
19 education and the exclusive bargaining representative of a bargaining  
20 unit of employees classified under chapter 28B.16 or 41.06 RCW as  
21 appropriate may exercise their option to have their relationship and  
22 corresponding obligations governed entirely by the provisions of this  
23 chapter by complying with the following:

24 (a) The parties will file notice of the parties' intent to be so  
25 governed, subject to the mutual adoption of a collective bargaining  
26 agreement permitted by this section recognizing the notice of intent.  
27 The parties shall provide the notice to the higher education personnel  
28 board or its successor and the commission;

29 (b) During the negotiation of an initial contract between the  
30 parties under this chapter, the parties' scope of bargaining shall be  
31 governed by this chapter and any disputes arising out of the collective  
32 bargaining rights and obligations under this subsection shall be  
33 determined by the commission. If the commission finds that the parties  
34 are at impasse, the notice filed under (a) of this subsection shall be  
35 void and have no effect; and

36 (c) On the first day of the month following the month during which  
37 the institution of higher education and the exclusive bargaining  
38 representative provide notice to the higher education personnel board

1 or its successor and the commission that they have executed an initial  
2 collective bargaining agreement recognizing the notice of intent filed  
3 under (a) of this subsection, chapter 28B.16 or 41.06 RCW as  
4 appropriate shall cease to apply to all employees in the bargaining  
5 unit covered by the agreement.

6 (2) All collective bargaining rights and obligations concerning  
7 relations between an institution of higher education and the exclusive  
8 bargaining representative of its employees who have agreed to exercise  
9 the option permitted by this section shall be determined under this  
10 chapter, subject to the following:

11 (a) The commission shall recognize, in its current form, the  
12 bargaining unit as certified by the higher education personnel board or  
13 its successor and the limitations on collective bargaining contained in  
14 RCW 41.56.100 shall not apply to that bargaining unit.

15 (b) If, on the date of filing the notice under subsection (1)(a) of  
16 this section, there is a union shop authorized for the bargaining unit  
17 under rules adopted by the higher education personnel board or its  
18 successor, the union shop requirement shall continue in effect for the  
19 bargaining unit and shall be deemed incorporated into the collective  
20 bargaining agreement applicable to the bargaining unit.

21 (c) Salary increases negotiated for the employees in the bargaining  
22 unit shall be subject to the following:

23 (i) Salary increases shall continue to be appropriated by the  
24 legislature. The exclusive bargaining representative shall meet before  
25 a legislative session with the governor or governor's designee and the  
26 representative of the institution of higher education concerning the  
27 total dollar amount for salary increases and health care contributions  
28 that will be contained in the appropriations proposed by the governor  
29 under RCW 43.88.060;

30 (ii) The collective bargaining agreements may provide for salary  
31 increases from local efficiency savings that are different from or that  
32 exceed the amount or percentage for salary increases provided by the  
33 legislature in the omnibus appropriations act for the institution of  
34 higher education or allocated to the board of trustees by the state  
35 board for community and technical colleges, but the base for salary  
36 increases provided by the legislature under (c)(i) of this subsection  
37 shall include only those amounts appropriated by the legislature, and  
38 the base shall not include any additional salary increases provided  
39 under this subsection (2)(c)(ii);

1 (iii) Any provisions of the collective bargaining agreements  
2 pertaining to salary increases provided under (c)(i) of this subsection  
3 shall be subject to modification by the legislature. If any provision  
4 of a salary increase provided under (c)(i) of this subsection is  
5 changed by subsequent modification of the appropriations act by the  
6 legislature, both parties shall immediately enter into collective  
7 bargaining for the sole purpose of arriving at a mutually agreed upon  
8 replacement for the modified provision.

9 (3) Nothing in this section may be construed to permit an  
10 institution of higher education to bargain collectively with an  
11 exclusive bargaining representative concerning any matter covered by:  
12 (a) Chapter 41.05 RCW, except for the related cost or dollar  
13 contributions or additional or supplemental benefits as permitted by  
14 chapter .... (Engrossed Second Substitute Senate Bill No. 5304), Laws  
15 of 1993; or (b) chapter 41.32 or 41.40 RCW.

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

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

21 (1) Members of the governing board of each institution and related  
22 boards, all presidents, vice presidents and their confidential  
23 secretaries, administrative and personal assistants; deans, directors,  
24 and ((~~chairmen~~)) chairpersons; academic personnel; and executive heads  
25 of major administrative or academic divisions employed by institutions  
26 of higher education; principal assistants to executive heads of major  
27 administrative or academic divisions; other managerial or professional  
28 employees in an institution or related board having substantial  
29 responsibility for directing or controlling program operations and  
30 accountable for allocation of resources and program results, or for the  
31 formulation of institutional policy, or for carrying out personnel  
32 administration or labor relations functions, legislative relations,  
33 public information, development, senior computer systems and network  
34 programming, or internal audits and investigations; and any employee of  
35 a community college district whose place of work is one which is  
36 physically located outside the state of Washington and who is employed  
37 pursuant to RCW 28B.50.092 and assigned to an educational program  
38 operating outside of the state of Washington.

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

4 (3) The director, ~~((his))~~ the director's confidential secretary,  
5 assistant directors, and professional education employees of the state  
6 board for community and technical colleges ~~((education))~~.

7 (4) The personnel director of the higher education personnel board  
8 and ~~((his))~~ the director's confidential secretary.

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

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

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

28 **Sec. 306.** RCW 28B.16.200 and 1979 c 151 s 18 are each amended to  
29 read as follows:

30 (1) There is hereby created a fund within the state treasury,  
31 designated as the "higher education personnel board service fund," to  
32 be used by the board as a revolving fund for the payment of salaries,  
33 wages, and operations required for the administration of the provisions  
34 of this chapter, the budget for which shall be subject to review and  
35 approval and appropriation by the legislature. Subject to the  
36 requirements of subsection (2) of this section, an amount not to exceed  
37 one-half of one percent of the salaries and wages for all positions in  
38 the classified service shall be contributed from the operations

1 appropriations of each institution and the state board for community  
2 and technical colleges ((education)) and credited to the higher  
3 education personnel board service fund as such allotments are approved  
4 pursuant to chapter 43.88 RCW. Subject to the above limitations, such  
5 amount shall be charged against the allotments pro rata, at a rate to  
6 be fixed by the director of financial management from time to time,  
7 which will provide the board with funds to meet its anticipated  
8 expenditures during the allotment period.

9 (2) If employees cease to be classified under this chapter pursuant  
10 to an agreement authorized by section 304 of this act, each institution  
11 of higher education and the state board for community and technical  
12 colleges shall continue, for six months after the effective date of the  
13 agreement, to make contributions to the higher education personnel  
14 board service fund based on employee salaries and wages that includes  
15 the employees under the agreement. At the expiration of the six-month  
16 period, the director of financial management shall make across-the-  
17 board reductions in allotments of the higher education personnel board  
18 service fund for the remainder of the biennium so that the charge to  
19 the institutions of higher education and state board based on the  
20 salaries and wages of the remaining employees classified under this  
21 chapter does not increase during the biennium, unless an increase is  
22 authorized by the legislature. The director of financial management  
23 shall report the amount and impact of any across-the-board reductions  
24 made under this section to the appropriations committee of the house of  
25 representatives and the ways and means committee of the senate, or  
26 appropriate successor committees, within thirty days of making the  
27 reductions.

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

31 NEW SECTION. Sec. 307. A new section is added to chapter 28B.16  
32 RCW to read as follows:

33 At any time after July 1, 1993, an institution of higher education  
34 and the exclusive bargaining representative of a bargaining unit of  
35 employees classified under this chapter or chapter 41.06 RCW as  
36 appropriate may exercise their option to have their relationship and  
37 corresponding obligations governed entirely by the provisions of  
38 chapter 41.56 RCW, by filing notice of the parties' intent to be so

1 governed, subject to the mutual adoption of a collective bargaining  
2 agreement recognizing the notice of intent. The parties shall provide  
3 the notice to the board or its successor and the public employment  
4 relations commission. On the first day of the month following the  
5 month during which the institution of higher education and the  
6 exclusive bargaining representative provide notice to the board or its  
7 successor and the public employment relations commission that they have  
8 executed an initial collective bargaining agreement recognizing the  
9 notice of intent, this chapter shall cease to apply to all employees in  
10 the bargaining unit covered by the agreement, and all labor relations  
11 functions of the board or its successor with respect to these employees  
12 shall be transferred to the public employment relations commission.

13 **PART IV**  
14 **MISCELLANEOUS**

15 NEW SECTION. **Sec. 401.** The sum of . . . . dollars, or as much  
16 thereof as may be necessary, is appropriated for the biennium ending  
17 June 30, 1995, from each public four-year institution's and the  
18 community colleges' operating fees account established in RCW  
19 28B.15.824 to the respective institution's local account for the  
20 purposes of sections 201 through 205 of this act.

21 NEW SECTION. **Sec. 402.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 403.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and shall take  
28 effect July 1, 1993."

29 **ESHB 1509** - S AMD  
30 By Senator Bauer

31 ADOPTED 4/15/93

32 On page 1, line 3 of the title, after "tuition;" strike the  
33 remainder of the title and insert "amending RCW 43.19.190, 43.19.1906,

1 43.78.030, 43.78.100, 43.78.110, 28B.50.330, 28B.10.350, 28B.10.355,  
2 39.04.020, 39.04.150, 28B.15.031, 28B.15.202, 28B.15.402, 28B.15.502,  
3 41.58.020, 28B.16.040, and 28B.16.200; reenacting and amending RCW  
4 41.56.030; adding a new section to chapter 28B.10 RCW; adding a new  
5 section to chapter 43.78 RCW; adding a new section to chapter 28B.15  
6 RCW; adding new sections to chapter 41.56 RCW; adding a new section to  
7 chapter 28B.16 RCW; creating a new section; repealing RCW 28B.15.824;  
8 making an appropriation; providing an effective date; and declaring an  
9 emergency."

--- END ---