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**SUBSTITUTE HOUSE BILL 1394**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By House Higher Education (originally sponsored by Representatives Probst, Harris, Jacks, Rivers, Moeller, Orcutt, Reykdal, and Frockt)**

READ FIRST TIME 02/14/11.

1            AN ACT Relating to efficiencies and savings in higher education;  
2 amending RCW 43.03.220, 43.03.230, 43.03.240, 43.03.250, and 43.03.265;  
3 amending 2010 c 3 ss 602, 603, and 604 (uncodified); amending 2010 1st  
4 sp.s. c 37 s 901 (uncodified); amending 2010 c 1 s 8 (uncodified);  
5 creating new sections; and declaring an emergency.

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

7            NEW SECTION.    **Sec. 1.**    Whereas colleges and universities need  
8 additional flexibility to deal with budget reductions, the legislature  
9 intends with this college efficiency and savings act to remove barriers  
10 that create unnecessary paperwork, bureaucracy, and inefficiencies, in  
11 order to reduce costs to the taxpayers.

12            **Sec. 2.**    RCW 43.03.220 and 2010 1st sp.s. c 7 s 142 are each  
13 amended to read as follows:

14            (1) Any part-time board, commission, council, committee, or other  
15 similar group which is established by the executive, legislative, or  
16 judicial branch to participate in state government and which functions  
17 primarily in an advisory, coordinating, or planning capacity shall be  
18 identified as a class one group.

1 (2) Absent any other provision of law to the contrary, no money  
2 beyond the customary reimbursement or allowance for expenses may be  
3 paid by or through the state to members of class one groups for  
4 attendance at meetings of such groups.

5 (3) Beginning July 1, 2010, through June 30, 2011, no person  
6 designated as a member of a class one board, commission, council,  
7 committee, or similar group may receive an allowance for subsistence,  
8 lodging, or travel expenses if the allowance cost is funded by the  
9 state general fund. Exceptions may be granted under section 605,  
10 chapter 3, Laws of 2010. Class one groups, when feasible, shall use an  
11 alternative means of conducting a meeting that does not require travel  
12 while still maximizing member and public participation and may use a  
13 meeting format that requires members to be physically present at one  
14 location only when necessary or required by law. Meetings that require  
15 a member's physical presence at one location must be held in state  
16 facilities whenever possible(~~(, and)~~). Meetings conducted using  
17 private facilities must be approved by the director of the office of  
18 financial management, except that meetings of class one groups  
19 affiliated with institutions of higher education do not require such  
20 approval.

21 (4) Beginning July 1, 2010, through June 30, 2011, class one groups  
22 that are funded by sources other than the state general fund are  
23 encouraged to reduce travel, lodging, and other costs associated with  
24 conducting the business of the group including use of other meeting  
25 formats that do not require travel.

26 **Sec. 3.** RCW 43.03.230 and 2010 1st sp.s. c 7 s 143 are each  
27 amended to read as follows:

28 (1) Any agricultural commodity board or commission established  
29 pursuant to Title 15 or 16 RCW shall be identified as a class two group  
30 for purposes of compensation.

31 (2) Except as otherwise provided in this section, each member of a  
32 class two group is eligible to receive compensation in an amount not to  
33 exceed one hundred dollars for each day during which the member attends  
34 an official meeting of the group or performs statutorily prescribed  
35 duties approved by the chairperson of the group. A person shall not  
36 receive compensation for a day of service under this section if the  
37 person (a) occupies a position, normally regarded as full-time in

1 nature, in any agency of the federal government, Washington state  
2 government, or Washington state local government; and (b) receives any  
3 compensation from such government for working that day.

4 (3) Compensation may be paid a member under this section only if it  
5 is authorized under the law dealing in particular with the specific  
6 group to which the member belongs or dealing in particular with the  
7 members of that specific group.

8 (4) Beginning July 1, 2010, through June 30, 2011, no person  
9 designated as a member of a class two board, commission, council,  
10 committee, or similar group may receive an allowance for subsistence,  
11 lodging, or travel expenses if the allowance cost is funded by the  
12 state general fund. Exceptions may be granted under section 605,  
13 chapter 3, Laws of 2010. Class two groups, when feasible, shall use an  
14 alternative means of conducting a meeting that does not require travel  
15 while still maximizing member and public participation and may use a  
16 meeting format that requires members to be physically present at one  
17 location only when necessary or required by law. Meetings that require  
18 a member's physical presence at one location must be held in state  
19 facilities whenever possible(~~(, and)~~). Meetings conducted using  
20 private facilities must be approved by the director of the office of  
21 financial management, except that meetings of class two groups  
22 affiliated with institutions of higher education do not require such  
23 approval.

24 (5) Beginning July 1, 2010, through June 30, 2011, class two groups  
25 that are funded by sources other than the state general fund are  
26 encouraged to reduce travel, lodging, and other costs associated with  
27 conducting the business of the group including use of other meeting  
28 formats that do not require travel.

29 **Sec. 4.** RCW 43.03.240 and 2010 1st sp.s. c 7 s 144 are each  
30 amended to read as follows:

31 (1) Any part-time, statutory board, commission, council, committee,  
32 or other similar group which has rule-making authority, performs quasi  
33 judicial functions, has responsibility for the administration or policy  
34 direction of a state agency or program, or performs regulatory or  
35 licensing functions with respect to a specific profession, occupation,  
36 business, or industry shall be identified as a class three group for  
37 purposes of compensation.

1 (2) Except as otherwise provided in this section, each member of a  
2 class three group is eligible to receive compensation in an amount not  
3 to exceed fifty dollars for each day during which the member attends an  
4 official meeting of the group or performs statutorily prescribed duties  
5 approved by the chairperson of the group. A person shall not receive  
6 compensation for a day of service under this section if the person (a)  
7 occupies a position, normally regarded as full-time in nature, in any  
8 agency of the federal government, Washington state government, or  
9 Washington state local government; and (b) receives any compensation  
10 from such government for working that day.

11 (3) Compensation may be paid a member under this section only if it  
12 is authorized under the law dealing in particular with the specific  
13 group to which the member belongs or dealing in particular with the  
14 members of that specific group.

15 (4) Beginning July 1, 2010, through June 30, 2011, no person  
16 designated as a member of a class three board, commission, council,  
17 committee, or similar group may receive an allowance for subsistence,  
18 lodging, or travel expenses if the allowance cost is funded by the  
19 state general fund. Exceptions may be granted under section 605,  
20 chapter 3, Laws of 2010. Class three groups, when feasible, shall use  
21 an alternative means of conducting a meeting that does not require  
22 travel while still maximizing member and public participation and may  
23 use a meeting format that requires members to be physically present at  
24 one location only when necessary or required by law. Meetings that  
25 require a member's physical presence at one location must be held in  
26 state facilities whenever possible(~~, and~~). Meetings conducted using  
27 private facilities must be approved by the director of the office of  
28 financial management, except that meetings of class three groups  
29 affiliated with institutions of higher education do not require such  
30 approval.

31 (5) Beginning July 1, 2010, through June 30, 2011, class three  
32 groups that are funded by sources other than the state general fund are  
33 encouraged to reduce travel, lodging, and other costs associated with  
34 conducting the business of the group including use of other meeting  
35 formats that do not require travel.

36 **Sec. 5.** RCW 43.03.250 and 2010 1st sp.s. c 7 s 145 are each  
37 amended to read as follows:

1 (1) A part-time, statutory board, commission, council, committee,  
2 or other similar group shall be identified as a class four group for  
3 purposes of compensation if the group:

4 (a) Has rule-making authority, performs quasi-judicial functions,  
5 or has responsibility for the administration or policy direction of a  
6 state agency or program;

7 (b) Has duties that are deemed by the legislature to be of  
8 overriding sensitivity and importance to the public welfare and the  
9 operation of state government; and

10 (c) Requires service from its members representing a significant  
11 demand on their time that is normally in excess of one hundred hours of  
12 meeting time per year.

13 (2) Each member of a class four group is eligible to receive  
14 compensation in an amount not to exceed one hundred dollars for each  
15 day during which the member attends an official meeting of the group or  
16 performs statutorily prescribed duties approved by the chairperson of  
17 the group. A person shall not receive compensation for a day of  
18 service under this section if the person (a) occupies a position,  
19 normally regarded as full-time in nature, in any agency of the federal  
20 government, Washington state government, or Washington state local  
21 government; and (b) receives any compensation from such government for  
22 working that day.

23 (3) Compensation may be paid a member under this section only if it  
24 is authorized under the law dealing in particular with the specific  
25 group to which the member belongs or dealing in particular with the  
26 members of that specific group.

27 (4) Beginning July 1, 2010, through June 30, 2011, class four  
28 groups, when feasible, shall use an alternative means of conducting a  
29 meeting that does not require travel while still maximizing member and  
30 public participation and may use a meeting format that requires members  
31 to be physically present at one location only when necessary or  
32 required by law. Meetings that require a member's physical presence at  
33 one location must be held in state facilities whenever possible(~~and~~  
34 and)). Meetings conducted using private facilities must be approved by  
35 the director of the office of financial management, except that  
36 meetings of class four groups affiliated with institutions of higher  
37 education do not require such approval.

1           **Sec. 6.** RCW 43.03.265 and 2010 1st sp.s. c 7 s 146 are each  
2 amended to read as follows:

3           (1) Any part-time commission that has rule-making authority,  
4 performs quasi-judicial functions, has responsibility for the policy  
5 direction of a health profession credentialing program, and performs  
6 regulatory and licensing functions with respect to a health care  
7 profession licensed under Title 18 RCW shall be identified as a class  
8 five group for purposes of compensation.

9           (2) Except as otherwise provided in this section, each member of a  
10 class five group is eligible to receive compensation in an amount not  
11 to exceed two hundred fifty dollars for each day during which the  
12 member attends an official meeting of the group or performs statutorily  
13 prescribed duties approved by the chairperson of the group. A person  
14 shall not receive compensation for a day of service under this section  
15 if the person (a) occupies a position, normally regarded as full-time  
16 in nature, in any agency of the federal government, Washington state  
17 government, or Washington state local government; and (b) receives any  
18 compensation from such government for working that day.

19           (3) Compensation may be paid a member under this section only if it  
20 is necessarily incurred in the course of authorized business consistent  
21 with the responsibilities of the commission established by law.

22           (4) Beginning July 1, 2010, through June 30, 2011, no person  
23 designated as a member of a class five board, commission, council,  
24 committee, or similar group may receive an allowance for subsistence,  
25 lodging, or travel expenses if the allowance cost is funded by the  
26 state general fund. Exceptions may be granted under section 605,  
27 chapter 3, Laws of 2010. Class five groups, when feasible, shall use  
28 an alternative means of conducting a meeting that does not require  
29 travel while still maximizing member and public participation and may  
30 use a meeting format that requires members to be physically present at  
31 one location only when necessary or required by law. Meetings that  
32 require a member's physical presence at one location must be held in  
33 state facilities whenever possible(~~, and~~). Meetings conducted using  
34 private facilities must be approved by the director of the office of  
35 financial management, except that meetings of class five groups  
36 affiliated with institutions of higher education do not require such  
37 approval.

1 (5) Beginning July 1, 2010, through June 30, 2011, class five  
2 groups that are funded by sources other than the state general fund are  
3 encouraged to reduce travel, lodging, and other costs associated with  
4 conducting the business of the group including use of other meeting  
5 formats that do not require travel.

6 **Sec. 7.** 2010 c 3 s 602 (uncodified) is amended to read as follows:

7 (1) From the effective date of this section until July 1, 2011,  
8 state agencies of the legislative, executive, and judicial branches  
9 shall not enter into any contracts or other agreements entered into for  
10 the acquisition of personal services not related to an emergency or  
11 other catastrophic event that requires government action to protect  
12 life or public safety.

13 (2) This section does not apply to personal services contracts or  
14 other agreements for the acquisition of personal services where the  
15 costs are funded exclusively from private or federal grants, where the  
16 costs are for tax and fee collection, where the costs are for revenue  
17 generation and auditing activities, where the costs are for the review  
18 and research conducted by the joint transportation committee pursuant  
19 to RCW 44.04.300, where the costs are necessary to receive or maintain  
20 federal funds by the state, or(~~(, in)~~) to institutions of higher  
21 education(~~(, where the costs are not funded from state funds or~~  
22 ~~tuition)~~). This section also does not apply where costs are related to  
23 hearing officers, where costs are related to real estate appraisals or  
24 habitat assessments, where costs are related to carrying out a court  
25 order, or where costs are related to information technology contracts  
26 related to an information services board approved information  
27 technology project, or where costs are related to judicial information  
28 system technology projects.

29 (3) Exceptions to this section may be granted under section 605,  
30 chapter 3, Laws of 2010.

31 **Sec. 8.** 2010 c 3 s 603 (uncodified) is amended to read as follows:

32 (1) From the effective date of this section until July 1, 2011,  
33 state agencies of the legislative, executive, and judicial branches  
34 shall not enter into any contracts or other agreements for the  
35 acquisition of any item of equipment the cost of which exceeds five

1 thousand dollars and is not related to an emergency or other  
2 catastrophic event that requires government action to protect life or  
3 public safety.

4 (2) This section does not apply to the unemployment insurance  
5 program of the employment security department, to costs that are for  
6 tax and fee collection, for revenue generation and audit activities, or  
7 for receiving or maintaining federal funds by the state, or(~~(, in))~~ to  
8 institutions of higher education(~~(, to costs not funded from state~~  
9 ~~funds or tuition))~~). This section also does not apply to costs that are  
10 funded exclusively from private or federal grants, or for equipment  
11 necessary to complete a project funded in the omnibus capital or  
12 transportation appropriation acts, or the operational divisions of the  
13 department of information services, or cost related to the  
14 continuation, renewal, or establishment of maintenance for existing  
15 computer software licensing and existing computer hardware, or for  
16 costs related to the judicial information system.

17 (3) Exceptions to this section may be granted under section 605,  
18 chapter 3, Laws of 2010.

19 **Sec. 9.** 2010 c 3 s 604 (uncodified) is amended to read as follows:

20 (1) State agencies of the legislative, executive, and judicial  
21 branches shall not make expenditures for the cost or reimbursement of  
22 out-of-state travel or out-of-state training by state employees where  
23 the travel or training is not related to an emergency or other  
24 catastrophic event that requires government action to protect life or  
25 public safety, or direct service delivery, and the travel or training  
26 occurs after the effective date of this section and before July 1,  
27 2011.

28 (2) This section does not apply to travel expenditures when the  
29 costs are funded exclusively from private or federal grants. This  
30 section does not apply to the unemployment insurance program of the  
31 employment security department, to costs that are for tax and fee  
32 collection, for revenue generation and audit activities, or for  
33 receiving or maintaining federal funds by the state, or(~~(, in))~~ to  
34 institutions of higher education(~~(, to costs not funded from state~~  
35 ~~funds or tuition))~~). This section also does not apply to costs related  
36 to carrying out a court order or to costs to travel by air into  
37 Washington state from any airport located in a contiguous state of



1 which the largest city is part of a metropolitan statistical area with  
2 a city located in Washington state, or to motor vehicle and parking  
3 costs for single day travel to a contiguous state or British Columbia,  
4 Canada.

5 (3) Exceptions to this section may be granted under section 605 of  
6 this act.

7 **Sec. 10.** 2010 1st sp.s. c 37 s 901 (uncodified) is amended to read  
8 as follows:

9 (1) From the effective date of this section until July 1, 2011,  
10 state agencies of the legislative, executive, and judicial branches  
11 shall not establish new staff positions or fill vacant existing staff  
12 positions except as specifically authorized by this section.

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

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

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

21 (c) Washington state patrol investigative services and field  
22 enforcement;

23 (d) Hazardous materials response and emergency cleanup;

24 (e) Emergency public health and patient safety response and the  
25 public health laboratory;

26 (f) Military operations and emergency management within the  
27 military department;

28 (g) Firefighting;

29 (h) Enforcement officers in the department of fish and wildlife,  
30 the liquor control board, the gambling commission, and the department  
31 of natural resources;

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

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

35 (k) Seasonal employment in the department of transportation  
36 maintenance programs to the extent that employment levels do not exceed  
37 the prior fiscal year;

1 (l) Employees hired on a seasonal basis by the department of  
2 agriculture for inspection and certification of agricultural products  
3 and for insect detection;

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

6 (n) In institutions of higher education, (~~any positions directly~~  
7 ~~related to academic programs, as well as positions not funded from~~  
8 ~~state funds or tuition, positions that are filled by enrolled students~~  
9 ~~at their own institution as student workers, positions in campus police~~  
10 ~~and security, positions related to emergency management and response,~~  
11 ~~and positions related to student health care and counseling)) all  
12 positions;~~

13 (o) Operations of the state lottery and liquor control board  
14 business enterprises;

15 (p) The unemployment insurance program of the employment security  
16 department; and

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

19 (3) The exemptions specified in subsection (2) of this section do  
20 not require the establishment of new staff positions or the filling of  
21 vacant staff positions in the activities specified.

22 (4) Exceptions to this section may be granted under section 605 of  
23 this act.

24 (5) Also exempted from this section are positions related to  
25 facility realignments in the department of corrections, positions  
26 related to the transfer of programs between state agencies assumed in  
27 this act, and disability determination staff funded solely by federal  
28 funds.

29 **Sec. 11.** 2010 c 1 s 8 (uncodified) is amended to read as follows:

30 (1) Notwithstanding sections 1 through 5 of this act, institutions  
31 of higher education may grant a wage or salary increase for additional  
32 academic responsibilities during the summer quarter if the following  
33 conditions are met:

34 (a) The salary increase can be paid within existing resources; and

35 (b) The salary increase will not adversely impact the provision of  
36 client services.

1           (2) Notwithstanding sections 1 through 5, chapter 1, Laws of 2010,  
2 and provided that any increase is not funded from state funds,  
3 institutions of higher education may grant a wage or salary increase to  
4 critical academic personnel as needed for retention purposes where the  
5 loss of such personnel would be likely to result in a loss of grant or  
6 other funding.

7           (3) Any institution granting a wage or salary increase under this  
8 section from the effective date of this section through June 30, 2011,  
9 shall submit a report to the fiscal committees of the legislature no  
10 later than July 31, 2011, detailing the positions for which salary  
11 increases were granted, the size of the increases, and the reasons for  
12 giving the increases.

13           NEW SECTION.   **Sec. 12.** This act may be known and cited as the  
14 college efficiency and savings act.

15           NEW SECTION.   **Sec. 13.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and takes effect  
18 immediately.

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