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Passed the House January 24, 1979.

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CHAPTER 14

[House Bill No. 348]

HIGHER EDUCATION—CODE CORRECTION

AN ACT Relating to higher education; reenacting and amending section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 276, Laws of 1977 ex. sess. and RCW 28B.10.420; reenacting section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 118, Laws of 1977 ex. sess. and by section 23, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.525; reenacting and amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. as amended by section 30, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 173, Laws of 1977 ex. sess. and RCW 28B.10.650; reenacting section 51, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.205; reenacting section 17, chapter 15, Laws of 1970 ex. sess. as last amended by section 28, chapter 75, Laws of 1977 and by section 5, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.140; repealing section 1, chapter 232, Laws of 1975 1st ex. sess., section 1, chapter 201, Laws of 1977 ex. sess. and RCW 28B.40.205; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 276, Laws of 1977 ex. sess. and RCW 28B.10.420 are each reenacted and amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the regional universities or of The Evergreen State College, or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 as now or hereafter amended shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday.

(2) As provided in this subsection, the board of regents of a state university, the board of trustees of a regional university or The Evergreen State College, or the state board for community college education may reemploy any person who is "retired" pursuant to subsection (1) of this section, who applies for reemployment and who has reached seventy years of age on or after July 1, 1970. The following provisions shall govern such reemployment:

(a) Prior to the reemployment, the board of regents, board of trustees, or state board shall have found that the person possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution.

(b) The period of reemployment shall not be counted as service under, or result in any eligibility for benefits or increased benefits under, any state authorized or supported annuity or retirement income plan. Reemployment shall not result in the reemployed person or employer making any contributions to any such plan.

(c) No person may be reemployed on a full time basis if such person is receiving benefits under any state authorized or supported annuity or retirement income plan. The reemployment of any person on a full time basis shall be immediately terminated upon the person's obtaining of any such benefits.

(d) A person may be reemployed on a part time basis and receive or continue to receive any benefits for which such person is eligible under any state authorized or supported annuity or retirement income plan. Such part time work, however, shall not exceed forty percent of full time employment during any year.

(e) A person reemployed pursuant to this section shall comply with all conditions of reemployment and all rules providing for the administration of this subsection which are prescribed or adopted by the board of regents, or board of trustees, or by the state board for community college education.

Sec. 2. Section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 118, Laws of 1977 ex. sess. and by section 23, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.525 are each re-enacted to read as follows:

Each member of a board of regents or board of trustees of a university or other state institution of higher education, shall be entitled to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day or portion thereof in which he or she is actually engaged in business of the board.

Sec. 3. Section 28B.10.650, chapter 223, Laws of 1969 ex. sess. as amended by section 30, chapter 169, Laws of 1977 ex. sess. and by section 1, chapter 173, Laws of 1977 ex. sess. and RCW 28B.10.650 are each re-enacted and amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board

of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) hereof.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of (~~program planning and fiscal~~) financial management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after (~~the effective date of this 1977 amendatory act~~) July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall annually report to the council for postsecondary education such information as the council deems necessary to determine compliance with the provisions of this section and the council for postsecondary education shall periodically report such information to the legislature.

Sec. 4. Section 51, chapter 169, Laws of 1977 ex. sess. and RCW 28B-.35.205 are each reenacted to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and recommendation of the council for postsecondary education.

NEW SECTION. Sec. 5. Section 1, chapter 232, Laws of 1975 1st ex. sess., section 1, chapter 201, Laws of 1977 ex. sess. and RCW 28B.40.205 are each hereby repealed.

Sec. 6. Section 17, chapter 15, Laws of 1970 ex. sess. as last amended by section 28, chapter 75, Laws of 1977 and by section 5, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.140 are each reenacted to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance

with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations

shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes.

(17) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; and

(18) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

NEW SECTION. Sec. 7. This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 28B.10.420 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 169 § 20 was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

(2) 1977 ex. s. c 276 § 1 was a one section act allowing for the reemployment by institutions of higher education of formerly retired persons under specific limitations as set out therein and constituted a major rewrite of the section.

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Sec. 2. RCW 28B.10.525 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 118 was a one section act wherein travel expenses for regents and trustees (in its amendatory language) was authorized ". . . for each day or ((major)) portion thereof in which he or she is actually engaged in business of the board."

(2) 1977 ex. s. c 169 § 23 was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Sec. 3. RCW 28B.10.650 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 169 § 30 was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

(2) 1977 ex. s. c 173 § 1 was part of an act to limit authorized professional leaves for academic and exempt personnel of institutions of higher education and constituted a major rewrite of the section.

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Sections 4 and 5. RCW 28B.40.205 was both amended and repealed (the latter with its reenactment into a new chapter, 28B.35 RCW) during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex. s. c 169 § 15, repealing RCW 28B.40.205 (with a reenactment thereof in 1977 ex. s. c 169 § 51 as new RCW 28B.35.206), was part of a comprehensive act redesignating Central Washington State College, Eastern Washington State College and Western Washington State College as regional universities, Central Washington University, Eastern Washington University and Western Washington University, respectively.

(2) 1977 ex. s. c 201 § 1 amended the provisos in the prior statute as follows: ": PROVIDED, That before any degree is authorized under this section ((~~which has no fiscal impact~~)) it shall be subject to the review and recommendation of the council for postsecondary education(~~(-PROVIDED FURTHER, That any degree permitted under this section having additional fiscal impact shall not be authorized prior to review and recommendation by the council for postsecondary education and approval of the legislature))~~)."

The reenactment of RCW 28B.35.205 and repeal of RCW 28B.40.205 as provided in sections 4 and 5 hereof represents the apparent substantive intent of the 1977 legislative action and to give effect to the amendatory and repealing sections of the 1977 legislature.

Sec. 6. RCW 28B.50.140 was amended during the regular and again in the extraordinary sessions of the 1977 legislature, each without reference to the other.

(1) 1977 c 75 § 28 was part of a comprehensive act relating to the reduction of agency reports and amended subsection 11 as follows: ". . . under its control, and ((~~notwithstanding any other provision of law,~~)) publish such catalogues and bulletins as may become necessary;"

(2) 1977 ex. s. c 282 § 5 was part of a general act dealing with community colleges and amended this community college board of trustees functions section by adding a new subsection (16) and implementing subsection (17) (which was formerly old subsection (16)).

This reenacted section contains the substantive amendatory portions of the two aforesaid sections. As these amendments appear to be in different respects, the purpose

of this act is to give effect to each by reenacting the sections with all amendments included therein.

- Passed the House January 24, 1979.
- Passed the Senate February 26, 1979.
- Approved by the Governor March 2, 1979.
- Filed in Office of Secretary of State March 2, 1979.

CHAPTER 15

[Engrossed Substitute Senate Bill No. 2148]
SUPPLEMENTARY BUDGET

AN ACT Relating to state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; making other appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. A supplemental budget as set forth in sections 2 through 22 of this 1979 act is hereby adopted and, subject to the provisions set forth in sections 2 through 22 of this 1979 act, the several amounts specified in sections 2 through 22 of this 1979 act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	797,000
Total Appropriation	\$	797,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be expended exclusively to reimburse counties for the state share of 1977 election costs.

NEW SECTION. Sec. 3. FOR THE STATE TREASURER—

TRANSFERS

General Fund—Investment Reserve Account

Appropriation: For transfer to the General Fund on or before June 30, 1979 (in addition to amounts appropriated in section 158, chapter 339, Laws of 1977 ex. sess.)

.	\$	5,000,000
Total Appropriation	\$	5,000,000

NEW SECTION. Sec. 4. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	413,000
Total Appropriation	\$	413,000