

CHAPTER 8
[House Bill No. 94]
EDUCATION--
CODE CORRECTIONS

AN ACT Relating to education; reenacting section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 35, Laws of 1970 ex. sess. and by section 4, chapter 53, Laws of 1970 ex. sess., and RCW 28B.10.465; reenacting section 19, chapter 15, Laws of 1970 ex. sess. as amended by section 32, chapter 56, Laws of 1970 ex. sess. and by section 2, chapter 59, Laws of 1970 ex. sess., and RCW 28B.50.350; reenacting section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 237, Laws of 1969 ex. sess. and RCW 28A.58.420; reenacting section 1, chapter 29, Laws of 1945 and adding the same to chapter 223, Laws of 1969 ex. sess.; reenacting section 1, chapter 220, Laws of 1967 and adding the same to chapter 223, Laws of 1969 ex. sess.; repealing section 2, chapter 244, Laws of 1969 ex. sess., section 4, chapter 42, Laws of 1970 ex. sess. and RCW 28.47.801; repealing section 1, page 324, Laws of 1909, section 12, chapter 90, Laws of 1919, section 1, chapter 147, Laws of 1921, section 1, chapter 99, Laws of 1927, section 1, chapter 163, Laws of 1953, section 1, chapter 142, Laws of 1969, section 6, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.010; repealing section 2, page 324, Laws of 1909, section 8, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.020; repealing section 1, chapter 62, Laws of 1965, section 10, chapter 42, Laws of 1970 ex. sess. and RCW 28.58.550; and declaring an emergency.

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

Section 1. Section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 35, Laws of 1970 ex. sess. and by section 4, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.465 are each reenacted to read as follows:

(1) A faculty member or any of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28B.16.040 designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection (2)), and upon his attaining eligibility for retirement under the Washington state teachers'

retirement system, such faculty member or such other employee shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension for each year of creditable service established and retained at the time of said designation as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member or other employee who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member or such other employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member or any of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28B.16.040 designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after midnight, June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members or other employees who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Sec. 2. Section 19, chapter 15, Laws of 1970 ex. sess. as amended by section 32, chapter 56, Laws of 1970 ex. sess. and by section 2, chapter 59, Laws of 1970 ex. sess. and RCW 28B.50.350 are each reenacted to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the

issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable.

Said bonds:

(1) Shall not constitute

- (a) an obligation, either general or special, of the state; or
- (b) a general obligation of the college or of the college

board;

(2) Shall be

- (a) either registered or in coupon form; and
- (b) issued in denominations of not less than one hundred

dollars; and

(c) fully negotiable instruments under the laws of this state;

and

(d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

- (a) the date of issue; and
- (b) the series of the issue and be consecutively numbered

within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

- (a) A covenant that a reserve account shall be created in the

bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8) (b) above;

(9) Shall constitute a prior lien and charge against sixty percent of all general tuition fees of the community colleges.

Sec. 3. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 237, Laws of 1969 ex. sess. and RCW 28A.58.420 are each reenacted to read as follows:

The board of directors of any of the state's school districts may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of the enumerated types of insurance for the members of the boards of directors, the students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid for the employees of their respective school districts and their dependents in an amount not to exceed ten dollars per month per employee covered. The premiums on such liability insurance shall be borne by the school district. The premiums due on such life, health, accident, or disability and salary insurance shall be borne by the assenting school board member or student.

Sec. 4. Section 1, chapter 29, Laws of 1945 is reenacted and added to chapter 223, Laws of 1969 ex. sess., to read as follows:

The board of directors of any school district of the state of Washington which now has, or hereafter shall have, funds in the building fund of the district in the office of the county treasurer which in the judgment of said board are not required for the immediate necessities of the district, may invest and reinvest all,

or any part, of such funds in United States securities, as hereinafter specified after and pursuant to a resolution adopted by the board, authorizing and directing the county treasurer, as ex officio the treasurer of said district, to invest or reinvest, said moneys or any designated amount thereof in United States securities and specifying the type or character of the United States securities in which said moneys shall be invested: PROVIDED, That nothing herein authorized, or the type and character of the securities thus specified, shall have in itself the effect of delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the county treasurer to the credit and benefit of the building fund of the district in his said office. If in the judgment of the board it shall be necessary to redeem or to sell any of the purchased securities before their ultimate maturity date, the board may, by resolution, direct the county treasurer to cause such redemption to be had at the "Redemption Value" of said securities or to sell said bonds and securities at not less than market value and accrued interest. The foregoing "securities" shall include United States bonds, federal treasury notes and treasury bonds and United States certificates of indebtedness and other federal securities which may, during the life of this statute, come within the terms of this section.

Sec. 5. Section 1, chapter 220, Laws of 1967 is reenacted and added to chapter 223, Laws of 1969 ex. sess., to read as follows:

The board of directors of every second and third class district in addition to their other powers are authorized to employ an attorney and to prescribe his duties and fix his compensation.

NEW SECTION. Sec. 6. The following acts or parts of acts are each hereby repealed:

(1) Section 2, chapter 244, Laws of 1969 ex. sess., section 4, chapter 42, Laws of 1970 ex. sess. and RCW 28.47.801;

(2) Section 1, page 324, Laws of 1909, section 12, chapter 90, Laws of 1919, section 1, chapter 147, Laws of 1921, section 1, chapter 99, Laws of 1927, section 1, chapter 163, Laws of 1953, section 1, chapter 142, Laws of 1969, section 6, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.010;

(3) Section 2, page 324, Laws of 1909, section 8, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.020; and

(4) Section 1, chapter 62, Laws of 1965, section 10, chapter 42, Laws of 1970 ex. sess. and RCW 28.58.550.

NEW SECTION. Sec. 7. If any provision of this 1971 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This 1971 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.10.465 was twice amended during the 1970 extraordinary session, each without reference to the other.

(1) 1970 ex. sess. c 35 sec. 6 amended section by striking out "of four dollars per month" with relation to a pension for each year of creditable service and added "as now or hereafter amended" following the RCW designation "41.32.497".

(2) 1970 ex. sess. c 53 sec. 4 enlarged scope of persons the section pertained to by adding after "faculty member" beginning in subsections (1) and (2) the words "or any of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28.75.040 (presently RCW 28B.16.040)" and the use of "or other employee" elsewhere in the section as required.

Sec. 2. Section 19, chapter 15, Laws of 1970 ex. sess. reenacting RCW 28B.50.350 was twice amended during the 1970 extraordinary session each without reference to the other.

(1) 1970 ex. sess. c 56 sec. 32 amended section by striking in subsection (4) thereof "at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum" with reference to interest bonds shall bear, and adding in subsection (7) thereof in speaking of the manner of the sale of bonds "and at such price".

(2) 1970 ex. sess. c 59 sec. 2 amended section by striking in subsection (9) thereof "forty" with reference to the percent of tuition fees the bonds shall constitute a lien on and substituting "sixty".

Sec. 3. RCW 28A.58.420 when set forth in the 1969 school code erroneously carried the words "or employee" following the last sentence thereof, thus differing in substance from the section intended transferred. Said words are stricken to return language to correct session law language.

Sec. 4. Section 1, chapter 29, Laws of 1945 was not to have been set forth in the 1969 school code but was to have been footnoted to a section thereof and not repealed. Unfortunately said section was included in the repealer to said act and so is reenacted herein.

Sec. 5. Section 1, chapter 220, Laws of 1967 was erroneously omitted from the 1969 school code and included in the repealer thereto and is reenacted herein.

Sec. 6. Repealer completing repeal of Title 28 RCW sections.

Sec. 7. Severability.

Sec. 8. Emergency.

Passed the House January 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 9
[House Bill No. 95]
COUNTIES--
CODE CORRECTIONS

AN ACT Relating to counties; reenacting section 36.76.010, chapter 4, Laws of 1963 as last amended by section 21, chapter 42, Laws of 1970 ex. sess. and by section 52, chapter 56, Laws of 1970 ex. sess., and RCW 36.76.010; and declaring an emergency.

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

Section 1. Section 36.76.010, chapter 4, Laws of 1963 as last amended by section 21, chapter 42, Laws of 1970 ex. sess. and by section 52, chapter 56, Laws of 1970 ex. sess., and RCW 36.76.010 are each reenacted to read as follows:

The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue coupon bonds in an amount not exceeding one and one-fourth percent of the value of the taxable property in the county, as the term "value of the taxable property" is defined in RCW 39.36.015, bearing a rate or rates of interest as authorized by the board, and payable and redeemable at a time fixed by the board, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads or bridges within the county.