

(5) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

(6) Any tender specified in this section may be made at any time before entry of judgment.

NEW SECTION. Sec. 5. Section 26, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.335 are each repealed.

Passed the House March 31, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 173

[Substitute House Bill No. 662]

### INSTITUTIONS OF HIGHER EDUCATION—PROFESSIONAL LEAVES

AN ACT Relating to institutions of higher education; amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650; amending section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 148, chapter 275, Laws of 1975 1st ex. sess. and RCW 28B.50.551; creating new sections; providing penalties; and making an effective date.

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

Section 1. Section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state universities, state colleges, 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 ((and)), the boards of trustees of the state colleges and the board of trustees of each community college district may grant ((sabbatical and other)) 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 ((and with such remunerations as the respective boards may prescribe)) 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 fulltime 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 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 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. 2. Section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 148, chapter 275, Laws of 1975 1st ex. sess. and RCW 28B.50.551 are each amended to read as follows:

The board of trustees of each community college district shall adopt for each community college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences(~~(, sabbatical)~~); professional leaves for ((academic)) personnel(;) consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement and emergencies, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, at least fifteen days, commencing with the first day on which work is to be performed;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment at a minimum rate of five days per quarter for full time employees up to a maximum of one hundred eighty days, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by community college districts and community colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by community college districts or community colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one community college district or community college to another, to the state board for community college education, to the state superintendent of public instruction, to any educational service district, to any school district, or to any other institutions of higher learning of the state; and

(6) Leave accumulated by a person in a community college district or community college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he returns to the employment of that district or college.

**NEW SECTION.** Sec. 3. If any provision of this 1977 amendatory 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. 4. This act shall take effect on July 1, 1977.

Passed the House May 26, 1977.

Passed the Senate May 23, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 174

[Substitute House Bill No. 678]

### LIVESTOCK—"PHYSICAL DAMAGE"—THEFT—PENALTIES—CIVIL ACTION, EXEMPLARY DAMAGES

AN ACT Relating to livestock; amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.100; amending section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.080; and adding a new section to chapter 4.24 RCW.

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

Section 1. Section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.100 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive, "physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers and shall also include the injury or destruction of livestock.

Sec. 2. Section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.080 are each amended to read as follows:

(1) Every person who, without lawful authority and with intent to deprive or defraud the owner thereof, wilfully takes, leads, or transports away, conceals,