

## CHAPTER 72

[Substitute House Bill No. 335]

## EDMONDS COMMUNITY COLLEGE—DISTRICT NO. 23 CREATED

AN ACT Relating to community college districts; amending section 28B.50.040, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.040; creating new sections; and declaring an emergency.

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

Section 1. Section 28B.50.040, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.040 are each amended to read as follows:

The state of Washington is hereby divided into (~~twenty-two~~) twenty-three community college districts as follows:

(1) The first district shall encompass the counties of Clallam and Jefferson;

(2) The second district shall encompass the counties of Grays Harbor and Pacific;

(3) The third district shall encompass the counties of Kitsap and Mason;

(4) The fourth district shall encompass the counties of San Juan, Skagit and Island;

(5) The fifth district shall encompass Snohomish county except for the Northshore common school district and that portion encompassed by the twenty-third district created in subsection (23) of this section: PROVIDED, That the fifth district shall encompass the Everett Community College;

(6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;

(7) The seventh district shall encompass the present boundaries of the common school districts of Shoreline in King county and Northshore in King and Snohomish counties;

(8) The eighth district shall encompass the present boundaries of the common school districts of Lake Washington, Bellevue, Issaquah, Lower Snoqualmie, Mercer Island, Skykomish and Snoqualmie, King county;

(9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;

(10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county, and the King county portion of Puyallup common school district No. 3;

(11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;

(12) The twelfth district shall encompass the counties of Lewis and Thurston;

(13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;

(14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;

(15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;

(16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;

(17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J and the Lincoln county portion of common school district 167-202), Pend Oreille, Spokane, Stevens and Whitman;

(18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J and common school district 167-202;

(19) The nineteenth district shall encompass the counties of Benton and Franklin;

(20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla Walla;

(21) The twenty-first district shall encompass Whatcom county;

(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county;

(23) The twenty-third district shall encompass that portion of Snohomish county within such boundaries as the state board for community college education shall determine: PROVIDED, That the twenty-third district shall encompass the Edmonds Community College.

NEW SECTION. Sec. 2. The current board of trustees of community college district No. 5 shall prepare a detailed plan to describe and accomplish the division of district No. 5. This plan will provide for the distribution of all personnel, physical and other assets and any other details as prescribed by the state board for community college education. This plan is to be submitted to the state board for community college education for approval on or before May 1, 1981. The state board for community college education will act on the plan and adjudicate all contested matters prior to June 30, 1981.

NEW SECTION. Sec. 3. After the effective date of this amendatory act, all campus employees of both the Everett Community College and the Edmonds Community College shall continue to perform their usual duties upon the same terms as formerly, without any loss of rights: PROVIDED,

That all campus employees of Edmonds Community College on the effective date of this act, whether:

(1) Classified under chapter 28B.16 RCW, the state higher education personnel law;

(2) Faculty members or exempt employees; or

(3) Otherwise employed by the community college district principally for Edmonds Community College purposes, shall be assigned to the new community college district, No. 23, created in section 1 of this amendatory act, to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any appropriate action of the new community college board of trustees thereafter in accordance with the laws of this state.

Of those other employees of community college district No. 5 not considered campus employees, the community college board of trustees of district No. 5 shall make a fair allocation thereof as between said district No. 5 and the new community college district No. 23: PROVIDED, That whenever any question arises as to the assignment of such employees, the state board for community college education shall make a determination as to the proper assignment and shall certify its decision: PROVIDED FURTHER, That all classified employees allocated under the provisions of this paragraph shall perform their duties upon the same terms as formerly and without any loss in rights, subject to any appropriate action of the community college board of trustees of the community college district to which they are allocated, in accordance with the laws of this state.

NEW SECTION. Sec. 4. All real and personal property, including but not limited to, all reports, documents, surveys, books, records, files, papers, or other writings in the possession of authorities, departments, and offices being a part of Edmonds Community College on the effective date of this amendatory act, shall be delivered to the custody of the new community college district, No. 23. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties of Edmonds Community College on the effective date of this amendatory act, shall be made available to the new community college district, No. 23, on or before the effective date of this amendatory act. All funds, credits, or other assets held in connection with the powers and duties exercised with respect to Edmonds Community College on the effective date of this amendatory act shall be assigned to the new community college district, No. 23.

Any appropriations made to carry out the powers and duties exercised with respect to Edmonds Community College on the effective date of this amendatory act, shall on the effective date of this amendatory act be transferred and credited to the new community college district, No. 23, for the purpose of carrying out such powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this amendatory act, the state board for community college education shall make a determination as to the proper allocation and certify the same to the agencies concerned.

NEW SECTION. Sec. 5. Members of the board of trustees of community college district No. 5 who reside within the boundaries of community college district No. 23, created in section 1 of this amendatory act, shall be transferred to positions on the board of community college district No. 23. They shall serve until their existing term of office would have otherwise been completed. Additional trustees as needed shall be appointed to fill vacancies on the boards of community college districts No. 5 and No. 23 as otherwise provided in RCW 28B.50.100.

NEW SECTION. Sec. 6. All rules and regulations, and all pending business before the Edmonds Community College on the effective date of this amendatory act shall be continued and acted upon by the new community college district, No. 23. All existing contracts and obligations pertaining to Edmonds Community College on the effective date of this amendatory act shall remain in full force and effect, and shall be performed by the new community college district, No. 23. No transfer under this amendatory act shall affect the validity of any particular act performed with respect to Edmonds Community College or by any officer or employee thereof, prior to the effective date of this amendatory act.

\*NEW SECTION. Sec. 7. If apportionments of budgeted funds are required because of the transfers authorized in this amendatory act, the state board for community college education shall certify such apportionments to the districts affected, the director of financial management, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification: ***PROVIDED, That no funds may be transferred from the instructional programs to fund staff positions.***

\*Sec. 7. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. Any school district within Snohomish county may enter into interlocal cooperation agreements with any community college located within Snohomish county pursuant to the provisions of chapter 39.34 RCW.

NEW SECTION. Sec. 9. Nothing contained in this amendatory act shall be construed to alter any provision of any existing collective bargaining agreement until any such agreement has expired or been modified pursuant to chapter 28B.52 RCW.

NEW SECTION. Sec. 10. Nothing in this amendatory act shall be construed to affect any existing rights, nor as affecting any actions, activities, or proceedings validated prior to the effective date of this amendatory act, nor as affecting any civil or criminal proceedings, nor any rule, regulation, or order promulgated, nor any administrative action taken prior to the effective date of this amendatory act, and the validity of any act performed with respect to Edmonds Community College, or any officer or employee thereof prior to the effective date of this amendatory act, is hereby validated.

NEW SECTION. Sec. 11. In keeping with the need for immediacy pursuant to section 14 of this amendatory act, the transfer of Edmonds Community College to district No. 23 shall be effective July 1, 1981. The current board of trustees of district No. 5 shall coordinate its actions or policy decisions which impact the Edmonds Community College with the director of the state system of community colleges. The state board for community college education shall take such action as necessary to immediately implement the creation of new community college district No. 23 in accordance with the provisions of this amendatory act.

NEW SECTION. Sec. 12. The phrase "the effective date of this amendatory act" as used in sections 3, 4, 6 and 10 of this amendatory act shall mean July 1, 1981: **PROVIDED**, That nothing in this amendatory act shall prohibit any transfers mandated in section 4 hereof nor the action contemplated in section 11 hereof prior to such July 1, 1981.

NEW SECTION. Sec. 13. If any provision of this 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. 14. 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.

Passed the House April 23, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor April 30, 1981, with the exception of the proviso in Section 7, which is vetoed.

Filed in Office of Secretary of State April 30, 1981.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to the proviso in Section 7, Substitute House Bill No. 335 entitled:

"An Act Relating to community college districts."

Section 7 of this bill delineates certain requirements of the State Board of Community College Education. A proviso, however, added to this section, restricts the use of instructional funds at Everett and Edmonds Community College. This

proviso is inconsistent with the intent of the 1981-83 appropriations act. In addition, the provision, which does not apply to other community colleges, is unnecessarily restrictive on the effective management of the first new community college district since the creation of the community college system.

Consequently, I have vetoed the proviso beginning after the colon on line 12 down through and including the word "positions" on line 14.

With the exception of the proviso in Section 7, which I have vetoed, the remainder of Substitute House Bill No. 335 is approved."

## CHAPTER 73

[Senate Bill No. 3632]

### BANKS—MERGER, CONVERSION, PROHIBITED, TIME PERIOD

AN ACT Relating to banks and banking; amending section 30.08.020, chapter 33, Laws of 1955 as last amended by section 4, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.020; amending section 30.40.020, chapter 33, Laws of 1955 as last amended by section 35, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.40.020; providing an effective date; and declaring an emergency.

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

Section 1. Section 30.08.020, chapter 33, Laws of 1955 as last amended by section 4, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.020 are each amended to read as follows:

Persons desiring to incorporate a bank or trust company shall file with the supervisor a notice of their intention to organize a bank or trust company in such form and containing such information as the supervisor shall prescribe by regulation, together with proposed articles of incorporation, which shall be submitted for examination to the supervisor at his office in Olympia.

The proposed articles of incorporation shall state:

- (1) The name of such bank or trust company.
- (2) The city, village or locality and county where such corporation is to be located.
- (3) The nature of its business, whether that of a commercial bank, a savings bank or both or a trust company.
- (4) The amount of its capital stock, which shall be divided into shares of not less than ten dollars each, nor more than one hundred dollars each, as may be provided in the articles of incorporation.
- (5) The period for which such corporation is organized, which may be for a stated number of years or perpetual.
- (6) The names and places of residence of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders.
- (7) ~~((That for a stated number of years, which shall be not less than ten nor more than twenty))~~ In articles filed on or before June 1, 1985, for four years from the date of approval of the articles (a) no voting share of the corporation shall, without the prior written approval of the supervisor, be