
HOUSE BILL 2279

State of Washington

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By Representatives Appelwick, Padden, Dellwo and Paris; by request of Statute Law Committee

Prefiled 1/10/92. Read first time 01/13/92. Referred to Committee on Judiciary.

1 AN ACT Relating to obsolete references; amending RCW 18.78.050,
2 18.88A.020, 28A.600.130, 28A.600.390, 28A.600.395, 28A.600.400,
3 28A.610.030, 28A.610.040, 28A.620.020, 28A.630.400, 28B.04.080,
4 28B.10.025, 28B.10.022, 28B.10.280, 28B.10.295, 28B.10.400, 28B.10.401,
5 28B.10.405, 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.420, 28B.10.650,
6 28B.10.700, 28B.10.840, 28B.15.502, 28B.15.515, 28B.15.522, 28B.15.535,
7 28B.15.540, 28B.15.730, 28B.15.732, 28B.15.740, 28B.15.750, 28B.15.752,
8 28B.15.756, 28B.15.820, 28B.16.040, 28B.16.060, 28B.16.080, 28B.16.090,
9 28B.16.100, 28B.16.190, 28B.16.200, 28B.25.030, 28B.50.258, 28B.50.259,
10 28B.80.280, 28B.80.320, 28B.80.330, 28B.80.350, 28B.80.430, 28B.80.555,
11 28B.110.040, 28B.115.050, 28B.120.020, 28B.125.010, 28C.04.530,
12 39.94.010, 39.94.020, 39.94.040, 41.04.665, 41.06.070, 41.58.020,
13 43.19.1902, 43.31.621, 43.220.060, 50.38.030, 50.65.030, 51.08.012,
14 67.38.020, 67.38.050, 70.120.020, 70.180.110, and 76.15.010; reenacting
15 and amending RCW 18.88A.070, 28B.15.100, 28B.16.020, 28B.50.851, and
16 41.32.010; creating a new section; and providing an expiration date.

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

2 NEW SECTION. **Sec. 1.** The purpose of this act is to correct
3 obsolete references to the state board for community college education
4 and to correct obsolete nomenclature regarding the community college
5 and vocational education systems.

6 **Sec. 2.** RCW 18.78.050 and 1991 c 84 s 5 are each amended to read
7 as follows:

8 The board shall conduct examinations for all applicants for
9 licensure under this chapter and shall certify qualified applicants for
10 licensure to the department. The board in consultation with the state
11 board for community and technical colleges ~~((education))~~ and the
12 superintendent of public instruction shall also determine and formulate
13 what constitutes the curriculum for approved practical nursing
14 schools/programs and shall establish criteria for minimum standards for
15 schools/programs preparing persons for licensure under this chapter.
16 The board shall establish criteria for licensure by endorsement.

17 The board may adopt rules or issue advisory opinions in response to
18 questions from professional health associations, health care
19 practitioners, and consumers in this state concerning licensed
20 practical nurse practice. The board shall establish criteria for proof
21 of reasonable currency of knowledge and skill as a basis for safe
22 practice of practical nursing.

23 The board shall adopt such rules as are necessary to fulfill the
24 purposes of this chapter pursuant to chapter 34.05 RCW.

25 **Sec. 3.** RCW 18.88A.020 and 1991 c 16 s 2 are each amended to read
26 as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Department" means the department of health.

4 (2) "Secretary" means the secretary of health.

5 (3) "Board" means the Washington state board of nursing.

6 (4) "Nursing assistant" means an individual, regardless of title,
7 who, under the direction and supervision of a registered nurse or
8 licensed practical nurse, assists in the delivery of nursing and
9 nursing-related activities to patients in a health care facility. The
10 two levels of nursing assistants are (a) "nursing assistant-certified,"
11 an individual certified under this chapter, (b) "nursing assistant-
12 registered," an individual registered under this chapter.

13 (5) "Committee" means the Washington state nursing assistant
14 advisory committee.

15 (6) "Approved training program" means a nursing assistant-certified
16 training program approved by the board. For community college,
17 vocational-technical institutes, skill centers, and secondary school as
18 defined in chapter 28B.50 RCW, nursing assistant-certified training
19 programs shall be approved by the board in cooperation with the board
20 for community and technical colleges ~~((education))~~ or the
21 superintendent of public instruction.

22 (7) "Health care facility" means a nursing home, hospital, hospice
23 care facility, home health care agency, hospice agency, or other entity
24 for delivery of health care services as defined by the board.

25 (8) "Competency evaluation" means the measurement of an
26 individual's knowledge and skills as related to safe, competent
27 performance as a nursing assistant.

28 **Sec. 4.** RCW 18.88A.070 and 1991 c 16 s 9 and 1991 c 3 s 223 are
29 each reenacted and amended to read as follows:

1 (1) The secretary has the authority to appoint an advisory
2 committee to the state board of nursing and the department to further
3 the purposes of this chapter. The committee shall be composed of ten
4 members, two members initially appointed for a term of one year, three
5 for a term of two years, and four for a term of three years.
6 Subsequent appointments shall be for terms of three years. No person
7 may serve as a member of the committee for more than two consecutive
8 terms. The committee shall consist of: A nursing assistant certified
9 under this chapter, a representative of nursing homes, a representative
10 of the office of the superintendent of public instruction, a
11 representative of the state board for community and technical colleges
12 (~~education~~), a representative of the department of social and health
13 services responsible for aging and adult services in nursing homes, a
14 consumer of nursing assistant services who shall not be or have been a
15 member of any other licensing board or committee; nor a licensee of any
16 health occupation board, an employee of any health care facility, nor
17 derive primary livelihood from the provision of health services at any
18 level of responsibility, a representative of an acute care hospital, a
19 representative of home health care, and one member who is a licensed
20 (registered) nurse and one member who is a licensed practical nurse.

21 (2) The secretary may remove any member of the advisory committee
22 for cause as specified by rule. In the case of a vacancy, the
23 secretary shall appoint a person to serve for the remainder of the
24 unexpired term.

25 (3) The advisory committee shall meet at the times and places
26 designated by the secretary or the board and shall hold meetings during
27 the year as necessary to provide advice to the secretary.

28 **Sec. 5.** RCW 28A.600.130 and 1990 c 33 s 500 are each amended to
29 read as follows:

1 The higher education coordinating board shall establish a planning
2 committee to develop criteria for screening and selection of the
3 Washington scholars each year in accordance with RCW 28A.600.110(1).
4 It is the intent that these criteria shall emphasize scholastic
5 achievement but not exclude such criteria as leadership ability and
6 community contribution in final selection procedures. The Washington
7 scholars planning committee shall have members from selected state
8 agencies and private organizations having an interest and
9 responsibility in education, including but not limited to, the state
10 board of education, the office of superintendent of public instruction,
11 the council of presidents, the state board for community and technical
12 colleges ~~((education))~~, and the Washington friends of higher education.

13 **Sec. 6.** RCW 28A.600.390 and 1990 1st ex.s. c 9 s 410 are each
14 amended to read as follows:

15 The superintendent of public instruction, the state board for
16 community and technical colleges ~~((education))~~, and the higher
17 education coordinating board shall jointly develop and adopt rules
18 governing RCW 28A.600.300 through 28A.600.380, if rules are necessary.
19 The rules shall be written to encourage the maximum use of the program
20 and shall not narrow or limit the enrollment options under RCW
21 28A.600.300 through 28A.600.380.

22 **Sec. 7.** RCW 28A.600.395 and 1990 1st ex.s. c 9 s 411 are each
23 amended to read as follows:

24 (1) RCW 28A.600.300 through 28A.600.390 may be implemented in up to
25 five community college districts during the 1990-91 and 1991-92 school
26 years. Any school district within any of the selected community
27 college districts may participate in the program. The five community
28 college districts shall be selected from applicants by the state board

1 for community and technical colleges ((~~education~~)). The board shall
2 select community college districts from both eastern and western
3 Washington. RCW 28A.600.300 through 28A.600.390 are applicable
4 throughout the state beginning with the 1992-93 school year.
5 Participation by community college districts under RCW 28A.600.300
6 through 28A.600.390 is in addition to agreements between school
7 districts and community college districts in effect on April 11, 1990,
8 and in the future.

9 (2) RCW 28A.600.300 through 28A.600.390 may be implemented in all
10 vocational-technical institutes beginning with the 1990-91 school year
11 and shall be implemented in all vocational-technical institutes in the
12 1991-92 school year.

13 **Sec. 8.** RCW 28A.600.400 and 1990 1st ex.s. c 9 s 412 are each
14 amended to read as follows:

15 RCW 28A.600.300 through 28A.600.395 are in addition to and not
16 intended to adversely affect agreements between school districts and
17 community and technical college districts, ((~~or~~)) vocational-technical
18 institutes, or technical colleges in effect on April 11, 1990, and in
19 the future.

20 **Sec. 9.** RCW 28A.610.030 and 1990 c 33 s 507 are each amended to
21 read as follows:

22 (1) The superintendent of public instruction, in consultation with
23 the department of community development, the department of social and
24 health services, the state board for community and technical colleges
25 ((~~education~~)), and community-based, nonprofit providers of adult
26 literacy services, shall develop an adult literacy program to serve
27 eligible parents as defined under RCW 28A.610.020. The program shall

1 give priority to serving parents with children who have not yet
2 enrolled in school or are in grades kindergarten through three.

3 (2) In addition to providing basic skills instruction to eligible
4 parents, the program may include other program components which may
5 include transportation, child care, and such other directly necessary
6 activities as may be necessary to accomplish the purposes of RCW
7 28A.610.020 through 28A.610.060.

8 (3) Parents who elect to participate in training or work programs,
9 as a condition of receiving public assistance, shall have the hours
10 spent in parent participation programs, conducted as part of a federal
11 head start program, or the state early childhood education and
12 assistance program under RCW 28A.215.100 through 28A.215.200 and
13 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
14 28A.610.020 through 28A.610.060, counted toward the fulfillment of
15 their work and training obligation for the receipt of public
16 assistance.

17 (4) State funds as may be appropriated for project even start shall
18 be used solely to expand and complement, but not supplant, federal
19 funds for adult literary programs.

20 (5) The superintendent of public instruction shall adopt rules as
21 necessary to carry out the purposes of RCW 28A.610.020 through
22 28A.610.060.

23 **Sec. 10.** RCW 28A.610.040 and 1987 c 518 s 107 are each amended to
24 read as follows:

25 The superintendent of public instruction is authorized and
26 directed, whenever possible, to fund or cooperatively work with
27 existing adult literacy programs and parenting related programs offered
28 through the common school and community and technical college systems,
29 vocational-technical institutes, or community-based, nonprofit

1 organizations to provide services for eligible parents before
2 developing and funding new adult literacy programs to carry out the
3 purposes of project even start.

4 **Sec. 11.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
5 read as follows:

6 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any
7 other law, rule, or regulation, any school district is authorized to
8 provide community education programs in the form of instructional,
9 recreational and/or service programs on a noncredit and nontuition
10 basis, excluding fees for supplies, materials, or instructor costs, for
11 the purpose of stimulating the full educational potential and meeting
12 the needs of the district's residents of all ages, and making the
13 fullest use of the district's school facilities: PROVIDED, That
14 school districts are encouraged to provide programs for prospective
15 parents, prospective foster parents, and prospective adoptive parents
16 on parenting skills and on the problems of child abuse and methods to
17 avoid child abuse situations: PROVIDED FURTHER, That community
18 education programs shall be consistent with rules and regulations
19 promulgated by the state superintendent of public instruction governing
20 cooperation between common schools, community and technical college
21 districts, and other civic and governmental organizations which shall
22 have been developed in cooperation with the state board for community
23 and technical colleges ((~~education~~)) and shall be programs receiving
24 the approval of said superintendent.

25 **Sec. 12.** RCW 28A.630.400 and 1991 c 285 s 2 are each amended to
26 read as follows:

27 (1) The state board of education and the state board for community
28 and technical colleges ((~~education~~)), in consultation with the

1 superintendent of public instruction, the higher education coordinating
2 board, and the state apprenticeship training council(~~(, and community~~
3 ~~colleges,)~~) shall work cooperatively to develop by September 1, 1992,
4 an educational paraprofessional associate of arts degree.

5 (2) As used in this section, an "educational paraprofessional" is
6 an individual who has completed an associate of arts degree for an
7 educational paraprofessional. The educational paraprofessional may be
8 hired by a school district to assist certificated instructional staff
9 in the direct instruction of children in small and large groups,
10 individualized instruction, testing of children, recordkeeping, and
11 preparation of materials. The educational paraprofessional shall work
12 under the direction of instructional certificated staff.

13 (3) The training program for an educational paraprofessional
14 associate of arts degree shall include, but is not limited to, the
15 general requirements for receipt of an associate of arts degree and
16 training in the areas of introduction to childhood education,
17 orientation to handicapped children, fundamentals of childhood
18 education, creative activities for children, instructional materials
19 for children, fine art experiences for children, the psychology of
20 learning, introduction to education, child health and safety, child
21 development and guidance, first aid, and a practicum in a school
22 setting.

23 (4) In developing the program, consideration shall be given to
24 transferability of credit earned in this program to teacher preparation
25 programs at colleges and universities.

26 (5) The agencies identified under subsection (1) of this section
27 shall adopt rules as necessary under chapter 34.05 RCW to implement
28 this section.

1 **Sec. 13.** RCW 28B.04.080 and 1985 c 370 s 42 are each amended to
2 read as follows:

3 (1) The board shall consult and cooperate with the department of
4 social and health services; the state board for community and technical
5 colleges (~~(education)~~); the superintendent of public instruction; the
6 (~~(commission for vocational education)~~) work force training and
7 education coordinating board; the employment security department; the
8 department of labor and industries; sponsoring agencies under the
9 federal comprehensive employment and training act (87 Stat. 839; 29
10 U.S.C. Sec. 801 et seq.), and any other persons or agencies as the
11 board deems appropriate to facilitate the coordination of centers
12 established under this chapter with existing programs of a similar
13 nature.

14 (2) Annually on July 1st, each agency listed in subsection (1) of
15 this section shall submit a description of each service or program
16 under its jurisdiction which would support the programs and centers
17 established by this chapter and the funds available for such support.

18 (3) The board shall serve as a clearinghouse for displaced
19 homemaker information and resources and shall compile and disseminate
20 state-wide information to the centers, related agencies, and interested
21 persons upon request.

22 **Sec. 14.** RCW 28B.10.025 and 1990 c 33 s 557 are each amended to
23 read as follows:

24 The Washington state arts commission shall, in consultation with
25 the boards of regents of the University of Washington and Washington
26 State University and with the boards of trustees of the regional
27 universities, The Evergreen State College, and the community and
28 technical college districts, determine the amount to be made available
29 for the purchases of art under RCW 28B.10.027, and payment therefor

1 shall be made in accordance with law. The designation of projects and
2 sites, the selection, contracting, purchase, commissioning, reviewing
3 of design, execution and placement, acceptance, maintenance, and sale,
4 exchange, or disposition of works of art shall be the responsibility of
5 the Washington state arts commission in consultation with the board of
6 regents or trustees. However, the costs to carry out the Washington
7 state arts commission's responsibility for maintenance shall not be
8 funded from the moneys referred to under this section, RCW 43.17.200,
9 43.19.455, or 28A.335.210, but shall be contingent upon adequate
10 appropriations being made for that purpose.

11 **Sec. 15.** RCW 28B.10.022 and 1989 c 356 s 6 are each amended to
12 read as follows:

13 The boards of regents of the state universities and the boards of
14 trustees of the regional universities, The Evergreen State College, and
15 the state board for community and technical colleges ((education)), are
16 severally authorized to enter into financing contracts as provided in
17 chapter 39.94 RCW. Except as provided in this section, financing
18 contracts shall be subject to the approval of the state finance
19 committee. The board of regents of a state university may enter into
20 financing contracts which are payable solely from and secured by all or
21 any component of the fees and revenues of the university derived from
22 its ownership and operation of its facilities not subject to
23 appropriation by the legislature and not constituting "general state
24 revenues," as defined in Article VIII, section 1 of the state
25 Constitution, without the prior approval of the state finance
26 committee. The board of regents shall notify the state finance
27 committee at least sixty days prior to entering into such contract and
28 provide information relating to such contract as requested by the state
29 finance committee.

1 **Sec. 16.** RCW 28B.10.280 and 1977 ex.s. c 169 s 11 are each amended
2 to read as follows:

3 The boards of regents of the state universities and the boards of
4 trustees of regional universities, The Evergreen State College, and
5 community and technical college districts may each create student loan
6 funds, and qualify and participate in the National Defense Education
7 Act of 1958 and such other similar federal student aid programs as are
8 or may be enacted from time to time, and to that end may comply with
9 all of the laws of the United States, and all of the rules, regulations
10 and requirements promulgated pursuant thereto.

11 **Sec. 17.** RCW 28B.10.295 and 1975 1st ex.s. c 164 s 2 are each
12 amended to read as follows:

13 The boards of regents of the state's universities, the boards of
14 trustees of the respective state colleges, and the boards of trustees
15 of the respective community colleges, with the cooperation of the state
16 board for community and technical colleges ~~((education))~~, shall make
17 available at some place of prominence within the premises of each
18 campus educational materials on the abuses of alcohol in particular and
19 the illnesses consequent therefrom in general: PROVIDED, That such
20 materials shall be obtained from public or private organizations at no
21 cost to the state.

22 **Sec. 18.** RCW 28B.10.400 and 1979 ex.s. c 259 s 1 are each amended
23 to read as follows:

24 The boards of regents of the state universities, the boards of
25 trustees of the regional universities and of The Evergreen State
26 College, and the state board for community and technical colleges
27 ~~((education))~~ are authorized and empowered:

1 (1) To assist the faculties and such other employees as any such
2 board may designate in the purchase of old age annuities or retirement
3 income plans under such rules and regulations as any such board may
4 prescribe. County agricultural agents, home demonstration agents, 4-H
5 club agents, and assistant county agricultural agents paid jointly by
6 the Washington State University and the several counties shall be
7 deemed to be full time employees of the Washington State University for
8 the purposes hereof;

9 (2) To provide, under such rules and regulations as any such board
10 may prescribe for the faculty members or other employees under its
11 supervision, for the retirement of any such faculty member or other
12 employee on account of age or condition of health, retirement on
13 account of age to be not earlier than the sixty-fifth birthday:
14 PROVIDED, That such faculty member or such other employee may elect to
15 retire at the earliest age specified for retirement by federal social
16 security law: PROVIDED FURTHER, That any supplemental payment
17 authorized by subsection (3) of this section and paid as a result of
18 retirement earlier than age sixty-five shall be at an actuarially
19 reduced rate;

20 (3) To pay to any such retired person or to his or her designated
21 beneficiary(s), each year after his or her retirement, a supplemental
22 amount which, when added to the amount of such annuity or retirement
23 income plan, or retirement income benefit pursuant to RCW 28B.10.415,
24 received by ~~((him or his))~~ the retired person or the retired person's
25 designated beneficiary(s) in such year, will not exceed fifty percent
26 of the average annual salary paid to such retired person for his or her
27 highest two consecutive years of full time service under an annuity or
28 retirement income plan established pursuant to subsection (1) of this
29 section at an institution of higher education: PROVIDED, HOWEVER, That
30 if such retired person prior to his or her retirement elected a

1 supplemental payment survivors option, any such supplemental payments
2 to such retired person or his or her designated beneficiary(s) shall be
3 at actuarially reduced rates: PROVIDED FURTHER, That if a faculty
4 member or other employee of an institution of higher education who is
5 a participant in a retirement plan authorized by this section dies, or
6 has died before retirement but after becoming eligible for retirement
7 on account of age, the designated beneficiary(s) shall be entitled to
8 receive the supplemental payment authorized by this subsection (3) of
9 this section to which such designated beneficiary(s) would have been
10 entitled had said deceased faculty member or other employee retired on
11 the date of death after electing a supplemental payment survivors
12 option: PROVIDED FURTHER, That for the purpose of this subsection, the
13 designated beneficiary(s) shall be (a) the surviving spouse of the
14 retiree; or, (b) with the written consent of such spouse, if any, such
15 other person or persons as shall have an insurable interest in the
16 retiree's life and shall have been nominated by written designation
17 duly executed and filed with the retiree's institution of higher
18 education.

19 **Sec. 19.** RCW 28B.10.401 and 1979 ex.s. c 259 s 3 are each amended
20 to read as follows:

21 The boards of regents of the state universities, the boards of
22 trustees of the state colleges, and the state board for community and
23 technical colleges ~~((education))~~, when establishing the amount of
24 supplemental payment under RCW 28B.10.400(3) as now or hereafter
25 amended, shall apply the following assumptions:

26 (1) That the faculty member or such other employee at the time of
27 retirement elected a joint and two-thirds survivor option on ~~((their))~~
28 his or her annuity or retirement income plan using actual ages, but not
29 exceeding a five-year age difference if married, or an actuarial

1 equivalent option if single, which represents accumulations including
2 all dividends from all matching contributions and any benefit that such
3 faculty member is eligible to receive from any Washington state public
4 retirement plan while employed at an institution of higher education;

5 (2) That on and after July 1, 1974, matching contributions were
6 allocated equally between a fixed dollar and a variable dollar annuity;

7 (3) That for each year after age fifty, the maximum amount of
8 contributions pursuant to RCW 28B.10.410 as now or hereafter amended be
9 contributed toward the purchase of such annuity or retirement income
10 plan, otherwise three-fourths of the formula described in RCW
11 28B.10.415, as now or hereafter amended, shall be applied.

12 **Sec. 20.** RCW 28B.10.405 and 1977 ex.s. c 169 s 16 are each amended
13 to read as follows:

14 Members of the faculties and such other employees as are designated
15 by the boards of regents of the state universities, the boards of
16 trustees of the regional universities and of The Evergreen State
17 College, or the state board for community and technical colleges
18 (~~education~~) shall be required to contribute not less than five
19 percent of their salaries during each year of full time service after
20 the first two years of such service toward the purchase of such annuity
21 or retirement income plan; such contributions may be in addition to
22 federal social security tax contributions, if any.

23 **Sec. 21.** RCW 28B.10.407 and 1987 c 448 s 1 are each amended to
24 read as follows:

25 (1) A faculty member or other employee designated by the boards of
26 regents of the state universities, the boards of trustees of the
27 regional universities and The Evergreen State College, or the state
28 board for community and technical colleges (~~education~~) who is granted

1 an authorized leave of absence without pay may apply the period of time
2 while on the leave in the computation of benefits in any annuity and
3 retirement plan authorized under RCW 28B.10.400 through 28B.10.430 only
4 to the extent provided in subsection (2) of this section.

5 (2) An employee who is eligible under subsection (1) of this
6 section may receive a maximum of two years' credit during the
7 employee's entire working career for periods of authorized leave
8 without pay. Such credit may be obtained only if the employee pays
9 both the employer and employee contributions required under RCW
10 28B.10.405 and 28B.10.410 while on the authorized leave of absence and
11 if the employee returns to employment with the university or college
12 immediately following the leave of absence for a period of not less
13 than two years. The employee and employer contributions shall be based
14 on the average of the employee's compensation at the time the leave of
15 absence was authorized and the time the employee resumes employment.
16 Any benefit under RCW 28B.10.400(3) shall be based only on the
17 employee's compensation earned from employment with the university or
18 college.

19 An employee who is inducted into the armed forces of the United
20 States shall be deemed to be on an unpaid, authorized leave of absence.

21 **Sec. 22.** RCW 28B.10.410 and 1977 ex.s. c 169 s 17 are each amended
22 to read as follows:

23 The boards of regents of the state universities, the boards of
24 trustees of the regional universities and of The Evergreen State
25 College, or the state board for community and technical colleges
26 (~~(education)~~) shall pay not more than one-half of the annual premium of
27 any annuity or retirement income plan established under the provisions
28 of RCW 28B.10.400 as now or hereafter amended. Such contribution shall
29 not exceed ten percent of the salary of the faculty member or other

1 employee on whose behalf the contribution is made. This contribution
2 may be in addition to federal social security tax contributions made by
3 the boards, if any.

4 **Sec. 23.** RCW 28B.10.415 and 1979 ex.s. c 259 s 2 are each amended
5 to read as follows:

6 The boards of regents of the state universities, the boards of
7 trustees of the regional universities and of The Evergreen State
8 College, or the state board for community and technical colleges
9 (~~education~~) shall not pay any amount to be added to the annuity or
10 retirement income plan of any retired person who has served for less
11 than ten years in one or more of the state institutions of higher
12 education. In the case of persons who have served more than ten years
13 but less than twenty-five years no amount shall be paid in excess of
14 four percent of the amount authorized in subdivision (3) of RCW
15 28B.10.400 as now or hereafter amended, multiplied by the number of
16 years of full time service rendered by such person: PROVIDED, That
17 credit for years of service at an institution of higher education shall
18 be limited to those years in which contributions were made by a faculty
19 member or other employee designated pursuant to RCW 28B.10.400(1) and
20 the institution or the state as a result of which a benefit is being
21 received by a retired person from any Washington state public
22 retirement plan: PROVIDED FURTHER, That all such benefits that a
23 retired person is eligible to receive shall reduce any supplementation
24 payments provided for in RCW 28B.10.400 as now or hereafter amended.

25 **Sec. 24.** RCW 28B.10.420 and 1979 c 14 s 1 are each amended to read
26 as follows:

27 (1) Except as provided otherwise in subsection (2) of this section,
28 faculty members or other employees designated by the boards of regents

1 of the state universities, the boards of trustees of the regional
2 universities or of The Evergreen State College, or the state board for
3 community and technical colleges ~~((education))~~ pursuant to RCW
4 28B.10.400 through 28B.10.420 as now or hereafter amended shall be
5 retired from their employment with their institutions of higher
6 education not later than the end of the academic year next following
7 their seventieth birthday.

8 (2) As provided in this subsection, the board of regents of a state
9 university, the board of trustees of a regional university or The
10 Evergreen State College, or the state board for community and technical
11 colleges ~~((education))~~ may reemploy any person who is "retired"
12 pursuant to subsection (1) of this section, who applies for
13 reemployment and who has reached seventy years of age on or after July
14 1, 1970. The following provisions shall govern such reemployment:

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

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

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

29 (d) A person may be reemployed on a part time basis and receive or
30 continue to receive any benefits for which such person is eligible

1 under any state authorized or supported annuity or retirement income
2 plan. Such part time work, however, shall not exceed forty percent of
3 full time employment during any year.

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

9 **Sec. 25.** RCW 28B.10.650 and 1985 c 370 s 53 are each amended to
10 read as follows:

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

17 The boards of regents of the state universities, the boards of
18 trustees of the regional universities and of The Evergreen State
19 College and the board of trustees of each community and technical
20 college district may grant remunerated professional leaves to faculty
21 members and exempt staff, as defined in RCW 28B.16.040, in accordance
22 with regulations adopted by the respective governing boards for periods
23 not to exceed twelve consecutive months in accordance with the
24 following provisions:

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

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

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

14 (4) The aggregate cost of remunerated professional leaves awarded
15 at the institution or district during any year, including the cost of
16 replacement personnel, shall not exceed the cost of salaries which
17 otherwise would have been paid to personnel on leaves: PROVIDED, That
18 for community and technical college districts the aggregate cost shall
19 not exceed one hundred fifty percent of the cost of salaries which
20 would have otherwise been paid to personnel on leaves: PROVIDED
21 FURTHER, That this subsection shall not apply to any community and
22 technical college district with fewer than seventy-five full time
23 faculty members and granting fewer than three individuals such leaves
24 in any given year.

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

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

4 (7) The respective institutions and districts shall maintain such
5 information which will ensure compliance with the provisions of this
6 section. The higher education coordinating board shall periodically
7 request such information as to ensure institutions are in compliance.

8 **Sec. 26.** RCW 28B.10.700 and 1977 ex.s. c 169 s 31 are each amended
9 to read as follows:

10 The state board for community and technical colleges ~~((education))~~,
11 the boards of trustees of the regional universities and of The
12 Evergreen State College, and the boards of regents of the state
13 universities, with appreciation of the legislature's desire to
14 emphasize physical education courses in their respective institutions,
15 shall provide for the same, being cognizant of legislative guide lines
16 put forth in RCW 28A.230.050 relating to physical education courses in
17 high schools.

18 **Sec. 27.** RCW 28B.10.840 and 1985 c 370 s 57 are each amended to
19 read as follows:

20 The term "institution of higher education" whenever used in RCW
21 28B.10.840 through 28B.10.844, shall be held and construed to mean any
22 public institution of higher education in Washington. The term
23 "educational board" whenever used in RCW 28B.10.840 through 28B.10.844,
24 shall be held and construed to mean the state board for community and
25 technical colleges ~~((education))~~ and the higher education coordinating
26 board.

1 **Sec. 28.** RCW 28B.15.100 and 1985 c 390 s 18 and 1985 c 370 s 67

2 are each reenacted and amended to read as follows:

3 (1) The board of regents or board of trustees at each of the
4 state's regional and state universities and at The Evergreen State
5 College shall charge to and collect from each of the students
6 registering at the particular institution for any quarter or semester
7 such tuition fees and services and activities fees, and other fees as
8 such board shall in its discretion determine, the total of all such
9 fees, the tuition fee, and services and activities fee, to be rounded-
10 out to the nearest whole dollar amount: PROVIDED, That such tuition
11 fees for other than summer session quarters or semesters shall be in
12 the amounts for the respective institutions as otherwise set forth in
13 this chapter, as now or hereafter amended: PROVIDED FURTHER, That the
14 fees charged by boards of trustees of community and technical college
15 districts shall be in the amounts for the respective institutions as
16 otherwise set forth in this chapter, as now or hereafter amended.

17 (2) Part time students shall be charged tuition and services and
18 activities fees proportionate to full time student rates established
19 for residents and nonresidents: PROVIDED, That students registered for
20 fewer than two credit hours shall be charged tuition and services and
21 activities fees at the rate established for two credit hours: PROVIDED
22 FURTHER, That residents of Idaho or Oregon who are enrolled in
23 community and technical college district number twenty for six or fewer
24 credits during any quarter or semester may be allowed to enroll at
25 resident tuition and fee rates upon a declaration by the higher
26 education coordinating board that it finds Washington residents from
27 such community and technical college district are afforded
28 substantially equivalent treatment by such other states.

29 (3) Full-time students registered for more than eighteen credit
30 hours shall be charged an additional operating fee for each credit hour

1 in excess of eighteen hours at the established per credit hour tuition
2 fee rate applicable to part-time students in the respective
3 institutional tuition and fee rate categories set forth in this
4 chapter: PROVIDED, That the boards of regents of the University of
5 Washington and Washington State University may exempt students who are
6 registered exclusively in first professional programs in medicine,
7 dental medicine, veterinary medicine and law: PROVIDED FURTHER, That
8 the state board for community and technical colleges ((education)) may
9 exempt students who are registered exclusively in required courses in
10 vocational preparatory programs from the additional charge.

11 **Sec. 29.** RCW 28B.15.502 and 1991 c 353 s 2 are each amended to
12 read as follows:

13 Tuition fees and services and activities fees at each community
14 college other than at summer quarters shall be as follows:

15 (1) For full time resident students, the total tuition fees shall
16 be twenty-three percent of the per student educational costs at the
17 community colleges computed as provided in RCW 28B.15.067 and
18 28B.15.070: PROVIDED, That the building fees for each academic year
19 shall be one hundred and twenty-seven dollars and fifty cents.

20 (2) For full time nonresident students, the total tuition fees
21 shall be one hundred percent of the per student educational costs at
22 the community colleges computed as provided in RCW 28B.15.067 and
23 28B.15.070: PROVIDED, That the building fees for each academic year
24 shall be four hundred and three dollars and fifty cents.

25 (3) The boards of trustees of each of the state community colleges
26 shall charge and collect equally from each of the students registering
27 at the particular institution and included in subsections (1) and (2)
28 hereof a services and activities fee which for each year of the 1981-83
29 biennium shall not exceed sixty-four dollars and fifty cents. In

1 subsequent biennia the board of trustees may increase the existing fee,
2 consistent with budgeting procedures set forth in RCW 28B.15.045, by a
3 percentage not to exceed the percentage increase in tuition fees
4 authorized in subsection (1) above: PROVIDED, That such percentage
5 increase shall not apply to that portion of the services and activities
6 fee previously committed to the repayment of bonded debt. The services
7 and activities fee committee provided for in RCW 28B.15.045 may
8 initiate a request to the governing board for a fee increase.

9 (4) Tuition and services and activities fees consistent with the
10 above schedule will be fixed by the state board for community and
11 technical colleges for summer school students unless the community
12 college charges fees in accordance with RCW 28B.15.515.

13 The board of trustees shall charge such fees for ungraded courses,
14 noncredit courses, community services courses, and self-supporting
15 short courses as it, in its discretion, may determine, not inconsistent
16 with the rules and regulations of the state board for community and
17 technical colleges (~~(education)~~).

18 **Sec. 30.** RCW 28B.15.515 and 1991 c 353 s 1 are each amended to
19 read as follows:

20 (1) The boards of trustees of the community and technical college
21 districts may operate community college summer schools on either a
22 self-supporting or a state-funded basis.

23 If summer school is operated on a self-supporting basis, the fees
24 charged shall be retained by the colleges, and shall be sufficient to
25 cover the direct costs, which are instructional salaries and related
26 benefits, supplies, publications, and records.

27 Community colleges that have self-supporting summer schools shall
28 continue to receive general fund state support for vocational programs
29 that require that students enroll in a four quarter sequence of courses

1 that includes summer quarter due to clinical or laboratory requirements
2 and for ungraded courses limited to adult basic education, vocational
3 apprenticeship, aging and retirement, small business management,
4 industrial first aid, and parent education.

5 (2)(a) The board of trustees of a community and technical college
6 district may permit the district's state-funded, full-time equivalent
7 enrollment level, as provided in the operating budget appropriations
8 act, to vary by plus or minus two percent each fiscal year unless
9 otherwise authorized in the operating budget appropriations act. If
10 the variance is above the state-funded level, the district may charge
11 those students above the state-funded level a fee equivalent to the
12 amount of tuition and fees that are charged students enrolled in state-
13 funded courses. These fees shall be retained by the colleges.

14 (b) Any community college that in 1990-91 has an enrollment above
15 the state-funded level but below the authorized variance may increase
16 its excess enrollments to within the variance.

17 (c) Community colleges that currently have excess enrollments more
18 than the authorized variance, by means of enrollments that would have
19 otherwise been eligible for state funding, shall reduce those excess
20 enrollments to within the authorized variance by September 1, 1995, in
21 at least equal annual reductions, commencing with the 1991-92 fiscal
22 year.

23 (d) Except as permitted by (c) of this subsection, should the
24 number of student-supported, full-time equivalent enrollments in any
25 fiscal year fall outside the authorized variance, the college shall
26 return by September 1st to the state general fund, an amount equal to
27 the college's full average state appropriations per full-time
28 equivalent student for such student-funded full-time equivalent outside
29 the variance, unless otherwise provided in the operating budget
30 appropriations act.

1 (3) The state board for community and technical colleges
2 (~~education~~) shall ensure compliance with this section.

3 **Sec. 31.** RCW 28B.15.522 and 1985 c 390 s 27 are each amended to
4 read as follows:

5 (1) The boards of trustees of the community and technical college
6 districts may waive the tuition and services and activities fees for
7 persons at community colleges under subsection (2) of this section
8 pursuant to the following conditions:

9 (a) Such persons shall register for and be enrolled in courses on
10 a space available basis and new course sections shall not be created as
11 a result of the registration;

12 (b) Enrollment information on persons registered pursuant to this
13 section shall be maintained separately from other enrollment
14 information and shall not be included in official enrollment reports,
15 nor shall such persons be considered in any enrollment statistics which
16 would affect budgetary determinations; and

17 (c) Persons who enroll under this section shall have the same
18 access to support services as do all other students and shall be
19 subject to all course prerequisite requirements.

20 (2) A person is eligible for the waiver under subsection (1) of
21 this section if the person:

22 (a) Meets the requirements for a resident student under RCW
23 28B.15.011 through 28B.15.015;

24 (b) Is twenty-one years of age or older;

25 (c) At the time of initial enrollment under subsection (1) of this
26 section, has not attended an institution of higher education for the
27 previous six months;

28 (d) Is not receiving or is not entitled to receive unemployment
29 compensation of any nature under Title 50 RCW; and

1 (e) Has an income at or below the need standard established under
2 chapter 74.04 RCW by the department of social and health services.

3 (3) The state board for community and technical colleges
4 ((education)) shall adopt rules to carry out this section.

5 **Sec. 32.** RCW 28B.15.535 and 1985 c 390 s 28 are each amended to
6 read as follows:

7 (1) The boards of regents of the state universities and the boards
8 of trustees of regional universities, The Evergreen State College, and
9 community colleges may waive the tuition and services and activities
10 fees for full-time employees of their respective institutions of higher
11 education enrolled in said institutions' courses on a space available
12 basis pursuant to the following conditions:

13 (a) Employees shall register for and be enrolled in courses on a
14 space available basis, and no new course sections shall be created as
15 a direct result of such registration;

16 (b) Enrollment information on employees registered on a space
17 available basis shall be maintained separately from other enrollment
18 information and shall not be included in official enrollment reports,
19 nor shall persons enrolled pursuant to the provisions of this section
20 be considered in any enrollment statistics which would affect budgetary
21 determinations;

22 (c) Employees registering on a space available basis shall be
23 charged a registration fee of not less than five dollars.

24 (2) The governing boards of the respective colleges and
25 universities may waive tuition and services and activities fees for
26 full-time intercollegiate center for nursing education, cooperative
27 extension service, and agricultural research employees of Washington
28 State University for such employees stationed off the Pullman, Whitman

1 county campus: PROVIDED, That such waiver complies with the conditions
2 spelled out in subsection (1)(a), (b), and (c) above.

3 (3) The boards of regents of the state universities, the boards of
4 trustees of the regional universities and The Evergreen State College,
5 and the state board for community and technical colleges ((education))
6 with respect to community colleges, shall adopt guidelines for the
7 implementation of employee waivers granted pursuant to this section.

8 **Sec. 33.** RCW 28B.15.540 and 1985 c 390 s 29 are each amended to
9 read as follows:

10 Notwithstanding any other provision of this chapter or the laws of
11 this state and consistent with the regulations and procedures
12 established by the boards of trustees of the state colleges, the boards
13 of regents of the state universities and the state board for community
14 and technical colleges ((education)) each institution may for
15 Washington residents who are sixty years of age or older:

16 (1) Waive, in whole or in part, the tuition and services and
17 activities fees for students who qualify under this section and who are
18 enrolled for credit, and

19 (2) Waive the tuition and services and activities fees for students
20 who qualify under this section, but charge a nominal fee not to exceed
21 five dollars per quarter, or semester, as the case may be, for such
22 students who are enrolled on an audit basis: PROVIDED, That residents
23 enrolling with fee exemptions under this section shall register for not
24 more than two quarter or semester courses at one time on a space
25 available basis, and no new course sections shall be created as a
26 direct result of such registration: PROVIDED FURTHER, That such
27 waivers shall not be available to students who plan to use the course
28 credits gained thereby for increasing credentials or salary schedule
29 increases: PROVIDED FURTHER, That enrollment information concerning

1 fee exemptions awarded under this section shall be maintained
2 separately from other enrollment information but shall not be included
3 in official enrollment reports: PROVIDED, That persons who enroll
4 pursuant to provisions of this section shall not be considered for any
5 purpose in determining student-teacher ratio, nor for any purpose
6 relating to enrollment totals, nor any other statistic which would
7 affect budgetary determinations. Persons enrolling under the
8 provisions of this section shall have, in equal with all other
9 students, access to course counseling services and shall be subject to
10 all course prerequisite requirements.

11 **Sec. 34.** RCW 28B.15.730 and 1985 c 370 s 69 are each amended to
12 read as follows:

13 (1) The state board for community and technical colleges
14 (~~(education)~~) and the boards of trustees for community and technical
15 college districts thirteen, fourteen, sixteen, nineteen, and twenty,
16 for Lower Columbia, Clark, Yakima Valley, Columbia Basin, and Walla
17 Walla community colleges, respectively, and the board of trustees for
18 The Evergreen State College, for any program it offers in Vancouver,
19 shall waive the payment of nonresident tuition and fees by residents of
20 Oregon, upon completion of an agreement between the higher education
21 coordinating board and appropriate officials and agencies in Oregon
22 granting similar waivers for residents of Cowlitz, Clark, Wahkiakum,
23 Skamania, and Klickitat counties, Washington, who qualify for junior or
24 senior standing to attend Portland State University at the
25 undergraduate level.

26 (2) The state board for community and technical colleges
27 (~~(education)~~) and the boards of trustees of the state's community and
28 technical colleges, The Evergreen State College, and the regional
29 universities and the boards of regents of the University of Washington

1 and Washington State University shall waive the payment of nonresident
2 tuition and fees by residents of Oregon, upon completion of and to the
3 extent permitted by an agreement between the higher education
4 coordinating board and appropriate officials and agencies in Oregon
5 granting similar waivers for residents of the state of Washington.

6 **Sec. 35.** RCW 28B.15.732 and 1985 c 370 s 70 are each amended to
7 read as follows:

8 Prior to January 1 of each odd-numbered year the higher education
9 coordinating board, in cooperation with the state board for community
10 and technical colleges (~~(education)~~), and in consultation with
11 appropriate agencies and officials in the state of Oregon, shall
12 determine for the purposes of RCW 28B.15.730 the number of students for
13 whom nonresident tuition and fees have been waived for the first
14 academic year of the biennium and the fall term of the second academic
15 year, and make an estimate of the number of such students for the
16 remainder of the second academic year, and the difference between the
17 aggregate amount of tuition and fees that would have been paid to the
18 respective states by residents of the other state had such waivers not
19 been made, and the aggregate amount of tuition and fees paid by
20 residents of the other state. Should the board determine that the
21 state of Oregon has experienced a greater net tuition and fee revenue
22 loss than institutions in Washington, it shall pay from funds
23 appropriated for this purpose to the appropriate agency or institutions
24 in Oregon an amount determined by subtracting the net tuition and fee
25 revenue loss of Washington from the net tuition and fee revenue loss of
26 Oregon, minus twenty-five thousand dollars for each year of the
27 biennium: PROVIDED, That appropriate officials in the state of Oregon
28 agree to make similar restitution to the state of Washington should the

1 net tuition and fee revenue loss in Washington be greater than that in
2 Oregon.

3 **Sec. 36.** RCW 28B.15.740 and 1989 c 340 s 2 are each amended to
4 read as follows:

5 (1) The boards of trustees or regents of each of the state's
6 regional universities, The Evergreen State College, or state
7 universities, and the various community colleges, consistent with
8 regulations and procedures established by the state board for community
9 and technical colleges (~~(education)~~), may waive, in whole or in part,
10 tuition and services and activities fees subject to the limitations set
11 forth in subsections (2) and (3).

12 (2) Except as provided in subsection (3) of this section, the total
13 dollar amount of tuition and fee waivers awarded by any state
14 university, regional university, or state college, shall not exceed
15 four percent, and for the community colleges considered as a whole,
16 such amount shall not exceed three percent of an amount determined by
17 estimating the total collections from tuition and services and
18 activities fees had no such waivers been made and deducting the portion
19 of that total amount which is attributable to the difference between
20 resident and nonresident fees: PROVIDED, That at least three-fourths
21 of the dollars waived shall be for needy students who are eligible for
22 resident tuition and fee rates pursuant to RCW 28B.15.012 through
23 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars
24 waived, not to exceed one-fourth of the total, may be applied to other
25 students at the discretion of the board of trustees or regents, except
26 on the basis of participation in intercollegiate athletic programs:
27 PROVIDED FURTHER, That the waivers for undergraduate and graduate
28 students of foreign nations under RCW 28B.15.556 are not subject to the
29 limitation under this section.

1 (3) In addition to the tuition and fee waivers provided in
2 subsection (2) of this section and subject to the provisions of RCW
3 28B.15.455 and 28B.15.460, a total dollar amount of tuition and fee
4 waivers awarded by any state university, regional university, or state
5 college, not to exceed one percent, as calculated in subsection (2) of
6 this section, may be used for the purpose of achieving or maintaining
7 gender equity in intercollegiate athletic programs. At any institution
8 that has an underrepresented gender class in intercollegiate athletics,
9 any such waivers shall be awarded:

10 (a) First, to members of the underrepresented gender class who
11 participate in intercollegiate athletics, where such waivers result in
12 saved or displaced money that can be used for athletic programs for the
13 underrepresented gender class. Such saved or displaced money shall be
14 used for programs for the underrepresented gender class; and

15 (b) Second, (i) to nonmembers of the underrepresented gender class
16 who participate in intercollegiate athletics, where such waivers result
17 in saved or displaced money that can be used for athletic programs for
18 members of the underrepresented gender class. Such saved or displaced
19 money shall be used for programs for the underrepresented gender class;
20 or (ii) to members of the underrepresented gender class who participate
21 in intercollegiate athletics, where such waivers do not result in any
22 saved or displaced money that can be used for athletic programs for
23 members of the underrepresented gender class.

24 **Sec. 37.** RCW 28B.15.750 and 1985 c 370 s 73 are each amended to
25 read as follows:

26 The state board for community and technical colleges ~~((education))~~
27 and the boards of trustees of the state's community colleges, The
28 Evergreen State College, and the regional universities and boards of
29 regents of the University of Washington and Washington State University

1 shall waive the payment of nonresident tuition and fees by residents of
2 Idaho, upon completion of and to the extent permitted by an agreement
3 between the higher education coordinating board and appropriate
4 officials and agencies in Idaho granting similar waivers for residents
5 of the state of Washington.

6 **Sec. 38.** RCW 28B.15.752 and 1985 c 370 s 74 are each amended to
7 read as follows:

8 Prior to January 1 of each odd-numbered year, the higher education
9 coordinating board, in cooperation with the state board for community
10 and technical colleges ~~((education))~~ and in consultation with
11 appropriate agencies and officials in the state of Idaho, shall
12 determine for the purposes of RCW 28B.15.750 the number of students for
13 whom nonresident tuition and fees have been waived for the first
14 academic year of the biennium and the fall term of the second academic
15 year, and make an estimate of the number of such students for the
16 remainder of the second academic year, and the difference between the
17 aggregate amount of tuition and fees that would have been paid to the
18 respective states by residents of the other state had such waivers not
19 been made, and the aggregate amount of tuition and fees paid by
20 residents of the other state. Should the board determine that the
21 state of Idaho has experienced a greater net tuition and fee revenue
22 loss than institutions in Washington, it shall pay from funds
23 appropriated for this purpose to the appropriate agency or institution
24 in Idaho an amount determined by subtracting the net tuition and fee
25 revenue loss of Washington from the net tuition and fee revenue loss of
26 Idaho, minus twenty-five thousand dollars for each year of the biennium
27 if the appropriate officials in the state of Idaho agree to make
28 similar restitution to the state of Washington should the net tuition
29 and fee revenue loss in Washington be greater than that in Idaho.

1 **Sec. 39.** RCW 28B.15.756 and 1987 c 446 s 2 are each amended to
2 read as follows:

3 The boards of trustees of The Evergreen State College and the
4 regional universities, the state board for community and technical
5 colleges ((~~education~~)), and the boards of regents of the University of
6 Washington and Washington State University shall waive the payment of
7 nonresident tuition and fees by residents of the Canadian province of
8 British Columbia, upon completion of and to the extent permitted by an
9 agreement between the higher education coordinating board and
10 appropriate officials and agencies in the Canadian province of British
11 Columbia providing for enrollment opportunities for residents of the
12 state of Washington without payment of tuition or fees in excess of
13 those charged to residents of British Columbia.

14 **Sec. 40.** RCW 28B.15.820 and 1985 c 390 s 35 are each amended to
15 read as follows:

16 (1) Each institution of higher education shall deposit two and one-
17 half percent of revenues collected from tuition and services and
18 activities fees in an institutional long-term loan fund which is hereby
19 created and which shall be held locally. Moneys in such fund shall be
20 used to make guaranteed loans to eligible students except as provided
21 for in subsection (10) of this section.

22 (2) An "eligible student" for the purposes of this section is a
23 student registered for at least six credit hours or the equivalent, who
24 is eligible for resident tuition and fee rates as defined in RCW
25 28B.15.012 through 28B.15.015, and who is a "needy student" as defined
26 in RCW 28B.10.802.

27 (3) The amount of the loans made under subsection (1) of this
28 section shall not exceed the demonstrated financial need of the
29 student. Each institution shall establish loan terms and conditions

1 which shall be consistent with the terms of the guaranteed loan program
2 established by 20 U.S. Code Section 1071 et seq., as now or hereafter
3 amended. All loans made shall be guaranteed by the Washington student
4 loan guaranty association or its successor agency. Institutions are
5 hereby granted full authority to operate as an eligible lender under
6 the guaranteed loan program.

7 (4) Before approving a guaranteed loan, each institution shall
8 analyze the ability of the student to repay the loan based on factors
9 which include, but are not limited to, the student's accumulated total
10 education loan burdens and the employment opportunities and average
11 starting salary characteristics of the student's chosen fields of
12 study. The institution shall counsel the student on the advisability
13 of acquiring additional debt, and on the availability of other forms of
14 financial aid.

15 (5) Each institution is responsible for collection of loans made
16 under subsection (1) of this section and shall exercise due diligence
17 in such collection, maintaining all necessary records to insure that
18 maximum repayments are made. Institutions shall cooperate with other
19 lenders and the Washington student loan guaranty association, or its
20 successor agency, in the coordinated collection of guaranteed loans,
21 and shall assure that the guarantability of the loans is not violated.
22 Collection and servicing of loans under subsection (1) of this section
23 shall be performed by entities approved for such servicing by the
24 Washington student loan guaranty association or its successor agency:
25 PROVIDED, That institutions be permitted to perform such servicing if
26 specifically recognized to do so by the Washington student loan
27 guaranty association or its successor agency. Collection and servicing
28 of loans made by community colleges under subsection (1) of this
29 section shall be coordinated by the state board for community and

1 technical colleges (~~education~~) and shall be conducted under
2 procedures adopted by such state board.

3 (6) Receipts from payment of interest or principal or any other
4 subsidies to which institutions as lenders are entitled, which are paid
5 by or on behalf of borrowers of funds under subsection (1) of this
6 section, shall be deposited in each institution's general local fund
7 and shall be used to cover the costs of making the loans under
8 subsection (1) of this section and maintaining necessary records and
9 making collections under subsection (5) of this section: PROVIDED,
10 That such costs shall not exceed five percent of aggregate outstanding
11 loan principle. Institutions shall maintain accurate records of such
12 costs, and all receipts beyond those necessary to pay such costs, shall
13 be used for the support of the institution's operating budget.

14 (7) The boards of regents of the state universities, the boards of
15 trustees of the regional universities and The Evergreen State College,
16 and the state board for community and technical colleges (~~education~~),
17 on behalf of the community colleges, shall each adopt necessary rules
18 and regulations to implement this section.

19 (8) Lending activities under this section shall be directed toward
20 students who would not normally have access to educational loans from
21 private financial institutions in Washington state, and maximum use
22 shall be made of secondary markets in the support of loan
23 consolidation.

24 (9) Short-term interim loans, not to exceed one hundred twenty
25 days, may be made from the institutional long-term loan fund to
26 students eligible for guaranteed student loans and whose receipt of
27 such loans is pending. Such short-term loans shall not be subject to
28 the guarantee restrictions or the constraints of federal law imposed by
29 subsection (3) of this section. No such loan shall be made to any

1 student who is known by the institution to be in default or delinquent
2 in the payment of any outstanding student loan.

3 (10) Any moneys deposited in the institutional long-term loan fund
4 which are not used in making long or short term loans or transferred to
5 institutional operating budgets may be used by the institution for
6 locally-administered financial aid programs for needy students, such as
7 need-based institutional employment programs or need-based tuition and
8 fee waiver programs. These funds shall be used in addition to and not
9 to replace institutional funds which would otherwise support these
10 locally-administered financial aid programs. Priority in the use of
11 these funds shall be given to needy students who have accumulated
12 excessive educational loan burdens. An excessive educational loan
13 burden is a burden that will be difficult to repay given employment
14 opportunities and average starting salaries in the student's chosen
15 fields of study.

16 **Sec. 41.** RCW 28B.16.020 and 1985 c 461 s 8 and 1985 c 365 s 2 are
17 each reenacted and amended to read as follows:

18 Unless the context clearly indicates otherwise, the words used in
19 this chapter have the meaning given in this section.

20 (1) "Institutions of higher education" are the University of
21 Washington, Washington State University, Central Washington University,
22 Eastern Washington University, Western Washington University, The
23 Evergreen State College, and the various state community colleges;

24 (2) "Board" means the higher education personnel board established
25 under the provisions of RCW 28B.16.060;

26 (3) "Related boards" means the state board for community and
27 technical colleges ((education)) and the higher education personnel
28 board; and such other boards, councils and commissions related to
29 higher education as may be established;

1 (4) "Classified service" means all positions at the institutions of
2 higher education subject to the provisions of this chapter;

3 (5) "Comparable worth" means the provision of similar salaries for
4 positions that require or impose similar responsibilities, judgments,
5 knowledge, skills, and working conditions;

6 (6) "Competitive service" means all positions in the classified
7 service for which a competitive examination is required as a condition
8 precedent to appointment;

9 (7) "Noncompetitive service" means all positions in the classified
10 service for which a competitive examination is not required;

11 (8) "Affirmative action" means a procedure by which racial
12 minorities, women, persons in the protected age category, persons with
13 disabilities, Vietnam-era veterans, and disabled veterans are provided
14 with increased employment opportunities. It shall not mean any sort of
15 quota system.

16 **Sec. 42.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
17 read as follows:

18 The following classifications, positions, and employees of
19 institutions of higher education and related boards are hereby exempted
20 from coverage of this chapter:

21 (1) Members of the governing board of each institution and related
22 boards, all presidents, vice presidents and their confidential
23 secretaries, administrative and personal assistants; deans, directors,
24 and chairmen; academic personnel; and executive heads of major
25 administrative or academic divisions employed by institutions of higher
26 education; and any employee of a community and technical college
27 district whose place of work is one which is physically located outside
28 the state of Washington and who is employed pursuant to RCW 28B.50.092

1 and assigned to an educational program operating outside of the state
2 of Washington.

3 (2) Student, part time, or temporary employees, and part time
4 professional consultants, as defined by the higher education personnel
5 board, employed by institutions of higher education and related boards.

6 (3) The director, his or her confidential secretary, assistant
7 directors, and professional education employees of the state board for
8 community and technical colleges ((education)).

9 (4) The personnel director of the higher education personnel board
10 and his or her confidential secretary.

11 (5) The governing board of each institution, and related boards,
12 may also exempt from this chapter, subject to the employees right of
13 appeal to the higher education personnel board, classifications
14 involving research activities, counseling of students, extension or
15 continuing education activities, graphic arts or publications
16 activities requiring prescribed academic preparation or special
17 training, and principal assistants to executive heads of major
18 administrative or academic divisions, as determined by the higher
19 education personnel board: PROVIDED, That no nonacademic employee
20 engaged in office, clerical, maintenance, or food and trade services
21 may be exempted by the higher education personnel board under this
22 provision.

23 Any classified employee having civil service status in a classified
24 position who accepts an appointment in an exempt position shall have
25 the right of reversion to the highest class of position previously
26 held, or to a position of similar nature and salary.

27 A person occupying an exempt position who is terminated from the
28 position for gross misconduct or malfeasance does not have the right of
29 reversion to a classified position as provided for in this section.

1 **Sec. 43.** RCW 28B.16.060 and 1984 c 287 s 63 are each amended to
2 read as follows:

3 (1) There is hereby created a state higher education personnel
4 board composed of three members appointed by the governor, subject to
5 confirmation by the senate. The first such board shall be appointed
6 within thirty days after the effective date of this chapter for terms
7 of two, four, and six years. Each odd-numbered year thereafter the
8 governor shall appoint a member for a six-year term. Persons so
9 appointed shall have clearly demonstrated an interest and belief in the
10 merit principle, shall not hold any other employment with the state,
11 shall not have been an officer of a political party for a period of one
12 year immediately prior to such appointment, and shall not be or become
13 a candidate for partisan elective public office during the term to
14 which they are appointed.

15 (2) Each member of the board shall be compensated in accordance
16 with RCW 43.03.250. Members of the board shall also be reimbursed for
17 travel expenses incurred in the discharge of their official duties in
18 accordance with RCW 43.03.050 and 43.03.060.

19 (3) At its first meeting following the appointment of all of its
20 members, and annually thereafter, the board shall elect a chairman and
21 vice chairman from among its members to serve one year. The presence
22 of at least two members of the board shall constitute a quorum to
23 transact business. A written public record shall be kept by the board
24 of all actions of the board.

25 (4) The board shall appoint a personnel director who shall be the
26 chief staff officer for the board. In preparing matters for
27 consideration by the board and in coordinating the implementation of
28 the board's rules and regulations, the personnel director shall work in
29 conjunction with the campus personnel officers and their staffs at each
30 institution of higher education, and in the case of community colleges,

1 with the state board for community and technical colleges
2 ((~~education~~)). When necessary, the personnel director may request the
3 creation of task forces drawn from the four-year institutions of higher
4 education, and representatives of the various state community colleges
5 through the state board for community and technical colleges
6 ((~~education~~)), for the accomplishment of any projects undertaken by the
7 board. The director may employ necessary personnel for the board, and
8 the board may appoint and compensate hearing officers to hear and
9 conduct appeals. The board shall establish an office for the conduct
10 of its business.

11 **Sec. 44.** RCW 28B.16.080 and 1969 ex.s. c 36 s 8 are each amended
12 to read as follows:

13 Each institution of higher education and each related board shall
14 designate an officer who shall perform duties as personnel officer.
15 The personnel officer at each institution or related board shall
16 direct, supervise, and manage administrative and technical personnel
17 activities for the classified service at the institution or related
18 board consistent with policies established by the institution or
19 related board and in accordance with the provisions of this chapter and
20 the rules and regulations approved and promulgated thereunder.
21 Institutions may undertake jointly with one or more other institutions
22 to appoint a person qualified to perform the duties of personnel
23 officer, provide staff and financial support and may engage consultants
24 to assist in the performance of specific projects. The services of the
25 state department of personnel may also be utilized by the institutions
26 or related boards pursuant to RCW 41.06.080.

27 The state board for community and technical colleges ((~~education~~))
28 shall have general supervision and control over activities undertaken
29 by the various state community colleges pursuant to this section.

1 **Sec. 45.** RCW 28B.16.090 and 1969 ex.s. c 36 s 9 are each amended
2 to read as follows:

3 It shall be the duty of the personnel board to promulgate rules and
4 regulations providing for employee participation in the development and
5 administration of personnel policies. To assure this right, personnel
6 policies, rules, classification and pay plans, and amendments thereto,
7 shall be acted on only after the board has given twenty days' notice
8 to, and considered proposals from, employee representatives and
9 institutions or related boards affected. In matters involving the
10 various state community colleges, notice shall also be given to the
11 state board for community and technical colleges ((education)).
12 Complete and current compilations of all rules and regulations of the
13 board in printed, mimeographed, or multigraphed form shall be available
14 from the board without charge.

15 **Sec. 46.** RCW 28B.16.100 and 1990 c 60 s 202 are each amended to
16 read as follows:

17 The higher education personnel board shall adopt rules, consistent
18 with the purposes and provisions of this chapter and with the best
19 standards of personnel administration, regarding the basis and
20 procedures to be followed for:

21 (1) The dismissal, suspension, or demotion of an employee, and
22 appeals therefrom;

23 (2) Certification of names for vacancies, including promotions,
24 with the number of names equal to four more names than there are
25 vacancies to be filled, such names representing applicants rated
26 highest on eligibility lists: PROVIDED, That when other applicants
27 have scores equal to the lowest score among the names certified, their
28 names shall also be certified;

1 (3) Examination for all positions in the competitive and
2 noncompetitive service;

3 (4) Appointments;

4 (5) Probationary periods of six to twelve months and rejections
5 therein, depending on the job requirements of the class;

6 (6) Transfers;

7 (7) Sick leaves and vacations;

8 (8) Hours of work;

9 (9) Layoffs when necessary and subsequent reemployment, both
10 according to seniority;

11 (10) Determination of appropriate bargaining units within any
12 institution or related boards: PROVIDED, That in making such
13 determination the board shall consider the duties, skills, and working
14 conditions of the employees, the history of collective bargaining by
15 the employees and their bargaining representatives, the extent of
16 organization among the employees, and the desires of the employees;

17 (11) Certification and decertification of exclusive bargaining
18 representatives: PROVIDED, That after certification of an exclusive
19 bargaining representative and upon the representative's request, the
20 director shall hold an election among employees in a bargaining unit to
21 determine by a majority whether to require as a condition of employment
22 membership in the certified exclusive bargaining representative on or
23 after the thirtieth day following the beginning of employment or the
24 date of such election, whichever is the later, and the failure of an
25 employee to comply with such condition of employment constitutes cause
26 for dismissal: PROVIDED FURTHER, That no more often than once in each
27 twelve-month period after expiration of twelve months following the
28 date of the original election in a bargaining unit and upon petition of
29 thirty percent of the members of a bargaining unit the director shall
30 hold an election to determine whether a majority wish to rescind such

1 condition of employment: PROVIDED FURTHER, That for purposes of this
2 clause, membership in the certified exclusive bargaining representative
3 is satisfied by the payment of monthly or other periodic dues and does
4 not require payment of initiation, reinstatement, or any other fees or
5 fines and includes full and complete membership rights: AND PROVIDED
6 FURTHER, That in order to safeguard the right of nonassociation of
7 public employees, based on bona fide religious tenets or teachings of
8 a church or religious body of which such public employee is a member,
9 such public employee shall pay to the union, for purposes within the
10 program of the union as designated by such employee that would be in
11 harmony with his or her individual conscience, an amount of money
12 equivalent to regular union dues minus any included monthly premiums
13 for union-sponsored insurance programs, and such employee shall not be
14 a member of the union but is entitled to all the representation rights
15 of a union member;

16 (12) Agreements between institutions or related boards and
17 certified exclusive bargaining representatives providing for grievance
18 procedures and collective negotiations on all personnel matters over
19 which the institution or the related board may lawfully exercise
20 discretion;

21 (13) Written agreements may contain provisions for payroll
22 deductions of employee organization dues upon authorization by the
23 employee member and for the cancellation of such payroll deduction by
24 the filing of a proper prior notice by the employee with the
25 institution and the employee organization: PROVIDED, That nothing
26 contained herein permits or grants to any employee the right to strike
27 or refuse to perform his or her official duties;

28 (14) Adoption and revision of comprehensive classification plans
29 for all positions in the classified service, based on investigation and
30 analysis of the duties and responsibilities of each such position;

1 (15) Allocation and reallocation of positions within the
2 classification plan;

3 (16) Adoption and revision of salary schedules and compensation
4 plans which reflect the prevailing rates in Washington state private
5 industries and other governmental units for positions of a similar
6 nature but the rates in the salary schedules or plans shall be
7 increased if necessary to attain comparable worth under an
8 implementation plan under RCW 28B.16.116 and which shall be competitive
9 in the state or the locality in which the institution or related boards
10 are located, such adoption, revision, and implementation subject to
11 approval as to availability of funds by the director of financial
12 management in accordance with the provisions of chapter 43.88 RCW, and
13 after consultation with the chief financial officer of each institution
14 or related board for that institution or board, or in the case of
15 community colleges, by the chief financial officer of the state board
16 for community and technical colleges ((education)) for the various
17 community colleges;

18 (17) Training programs including in-service, promotional, and
19 supervisory;

20 (18) Increment increases within the series of steps for each pay
21 grade based on length of service for all employees whose standards of
22 performance are such as to permit them to retain job status in the
23 classified service;

24 (19) Providing for veteran's preference as provided by existing
25 statutes, with recognition of preference in regard to layoffs and
26 subsequent reemployment for veterans and their widows by giving such
27 eligible veterans and their widows additional credit in computing their
28 seniority by adding to their unbroken higher education service, as
29 defined by the board, the veteran's service in the military not to
30 exceed five years of such service. For the purposes of this section,

1 "veteran" means any person who has one or more years of active military
2 service in any branch of the armed forces of the United States or who
3 has less than one year's service and is discharged with a disability
4 incurred in the line of duty or is discharged at the convenience of the
5 government and who, upon termination of such service, has received an
6 honorable discharge, a discharge for physical reasons with an honorable
7 record, or a release from active military service with evidence of
8 service other than that for which an undesirable, bad conduct, or
9 dishonorable discharge shall be given: PROVIDED, HOWEVER, That the
10 widow of a veteran is entitled to the benefits of this section
11 regardless of the veteran's length of active military service:
12 PROVIDED FURTHER, That for the purposes of this section "veteran" does
13 not include any person who has voluntarily retired with twenty or more
14 years of active military service and whose military retirement pay is
15 in excess of five hundred dollars per month;

16 (20) Assuring that persons who are or have been employed in
17 classified positions under chapter 41.06 RCW will be eligible for
18 employment, reemployment, transfer, and promotion in respect to
19 classified positions covered by this chapter; and

20 (21) Assuring that any person who is or has been employed in a
21 classified position under this chapter will be eligible for employment,
22 reemployment, transfer, and promotion in respect to classified
23 positions at any other institution of higher education or related
24 board.

25 (22) Affirmative action in appointment, promotion, transfer,
26 recruitment, training, and career development; development and
27 implementation of affirmative action goals and timetables; and
28 monitoring of progress against those goals and timetables.

29 The board shall consult with the human rights commission in the
30 development of rules consistent with federal guidelines pertaining to

1 affirmative action. The board shall transmit a report annually to the
2 human rights commission which states the progress each institution of
3 higher education has made in meeting affirmative action goals and
4 timetables.

5 **Sec. 47.** RCW 28B.16.190 and 1969 ex.s. c 36 s 19 are each amended
6 to read as follows:

7 A disbursing officer shall not pay any employee holding a position
8 covered by this chapter unless the employment is in accordance with
9 this chapter or the rules, regulations, and orders issued hereunder.
10 The board and the institutions of higher education including the state
11 board for community and technical colleges ~~((education))~~ which shall
12 act for the various state community colleges shall jointly establish
13 procedures for the certification of payrolls.

14 **Sec. 48.** RCW 28B.16.200 and 1979 c 151 s 18 are each amended to
15 read as follows:

16 There is hereby created a fund within the state treasury,
17 designated as the "higher education personnel board service fund," to
18 be used by the board as a revolving fund for the payment of salaries,
19 wages, and operations required for the administration of the provisions
20 of this chapter, the budget for which shall be subject to review and
21 approval and appropriation by the legislature. An amount not to exceed
22 one-half of one percent of the salaries and wages for all positions in
23 the classified service shall be contributed from the operations
24 appropriations of each institution and the state board for community
25 and technical colleges ~~((education))~~ and credited to the higher
26 education personnel board service fund as such allotments are approved
27 pursuant to chapter 43.88 RCW. Subject to the above limitations, such
28 amount shall be charged against the allotments pro rata, at a rate to

1 be fixed by the director of financial management from time to time,
2 which will provide the board with funds to meet its anticipated
3 expenditures during the allotment period.

4 Moneys from the higher education personnel board service fund shall
5 be disbursed by the state treasurer by warrants on vouchers duly
6 authorized by the board.

7 **Sec. 49.** RCW 28B.25.030 and 1991 c 205 s 4 are each amended to
8 read as follows:

9 (1) The joint center for higher education shall be governed by a
10 board consisting of the following twelve voting members:

11 (a) One member of the Eastern Washington University board of
12 trustees;

13 (b) One member of the Washington State University board of regents;

14 (c) One member of the board of trustees of the Spokane community
15 and technical college district;

16 (d) Six citizens residing in Spokane county. Of the six citizen
17 members, no more than two may be regents or trustees of Eastern
18 Washington University, Washington State University, or the Spokane
19 community and technical college district; and

20 (e) The presidents of Washington State University and Eastern
21 Washington University, and the chief executive officer of the Spokane
22 community and technical college district shall serve as ex officio
23 members of the board.

24 (2) The executive director of the higher education coordinating
25 board, the president of Gonzaga University, and the president of
26 Whitworth College shall serve as nonvoting ex officio members of the
27 board.

28 (3) Each of the twelve voting members shall have one vote. The
29 voting members shall select a chairperson from among the nine appointed

1 members. A majority of the twelve voting members shall constitute a
2 quorum for conducting business.

3 **Sec. 50.** RCW 28B.50.258 and 1991 c 315 s 16 are each amended to
4 read as follows:

5 To the extent that funds are specifically appropriated therefor,
6 the state board for community and technical colleges ~~((education))~~
7 shall provide training and retraining in timber impact areas as
8 follows:

9 (1) Disbursement of funds to individual community colleges for
10 supplemental slots in cases where enrollment demand exceeds allocation;

11 (2) Pilot projects for innovative approaches to literacy and
12 employment training. Pilot projects may include, but are not limited
13 to:

14 (a) Training for cranberry industry research, coordinated by the
15 Washington State University coastal research unit, Long Beach;

16 (b) Training through Grays Harbor Community College for dislocated
17 forest products workers to fill positions as safety training and vessel
18 inspectors. They shall contract with those organizations deemed
19 appropriate to carry out this program;

20 (c) Training through Skagit Valley Community College for dislocated
21 forest products workers in natural resources technical programs in
22 stream enhancement, including waters upstream or downstream as well as
23 adjacent to state lands; water quality enhancement; irrigation repair;
24 and the building of shellfish beds;

25 (d) Training for agricultural development, diversification,
26 marketing, and processing programs in timber impact areas.

27 Nothing in subsection (2) of this section shall be construed to
28 provide priority for the projects listed in subsection (2) of this
29 section.

1 For the purposes of this section, the number of full-time
2 equivalent students to be served during any biennium shall be
3 determined by the applicable omnibus appropriations act and shall be in
4 addition to the community college enrollment level funded by the
5 applicable omnibus appropriations act.

6 **Sec. 51.** RCW 28B.50.259 and 1991 c 315 s 17 are each amended to
7 read as follows:

8 (1) The state board for community and technical colleges
9 (~~education~~) shall administer a program designed to provide higher
10 education opportunities to dislocated forest products workers and their
11 unemployed spouses who are enrolled in a community or technical college
12 for ten or more credit hours per quarter. In administering the program,
13 the college board shall have the following powers and duties:

14 (a) With the assistance of an advisory committee, design a
15 procedure for selecting dislocated forest products workers to
16 participate in the program;

17 (b) Allocate funding to community and technical colleges attended
18 by participants;

19 (c) Monitor the program and report on participants' progress and
20 outcomes; and

21 (d) Report to the legislature by December 1, 1993, on the status of
22 the program.

23 (2) Unemployed spouses of eligible dislocated forest products
24 workers may participate in the program, but tuition and fees may be
25 waived under the program only for the worker or the spouse and not
26 both.

27 (3) The boards of trustees of the community and technical colleges
28 shall waive tuition and fees for program participants, for a maximum of
29 six quarters within a two-year period.

1 (4) During any biennium, the number of full-time equivalent
2 students to be served in this program shall be determined by the
3 applicable omnibus appropriations act, and shall be in addition to the
4 community college enrollment level funded by the applicable omnibus
5 appropriations act.

6 **Sec. 52.** RCW 28B.50.851 and 1991 c 294 s 2 and 1991 c 238 s 68 are
7 each reenacted and amended to read as follows:

8 As used in RCW 28B.50.850 through 28B.50.869:

9 (1) "Tenure" shall mean a faculty appointment for an indefinite
10 period of time which may be revoked only for adequate cause and by due
11 process;

12 (2)(a) "Faculty appointment", except as otherwise provided in (b)
13 of this subsection, shall mean full time employment as a teacher,
14 counselor, librarian or other position for which the training,
15 experience and responsibilities are comparable as determined by the
16 appointing authority, except administrative appointments; "faculty
17 appointment" shall also mean department heads, division heads and
18 administrators to the extent that such department heads, division heads
19 or administrators have had or do have status as a teacher, counselor,
20 or librarian; faculty appointment shall also mean employment on a
21 reduced work load basis when a faculty member has retained tenure under
22 RCW 28B.50.859;

23 (b) "Faculty appointment" shall not mean special faculty
24 appointment as a teacher, counselor, librarian, or other position as
25 enumerated in (a) of this subsection, when such employment results from
26 special funds provided to a community and technical college district
27 from federal moneys or other special funds which other funds are
28 designated as "special funds" by the college board: PROVIDED, That
29 such "special funds" so designated by the college board for purposes of

1 this section shall apply only to teachers, counselors and librarians
2 hired from grants and service agreements and teachers, counselors and
3 librarians hired in nonformula positions. A special faculty
4 appointment resulting from such special financing may be terminated
5 upon a reduction or elimination of funding or a reduction or
6 elimination of program: PROVIDED FURTHER, That "faculty appointees"
7 holding faculty appointments pursuant to subsections (1) or (2)(a) of
8 this section who have been subsequently transferred to positions
9 financed from "special funds" pursuant to (b) of this subsection and
10 who thereafter lose their positions upon reduction or elimination of
11 such "special funding" shall be entitled to be returned to previous
12 status as faculty appointees pursuant to subsection (1) or (2)(a) of
13 this section depending upon their status prior to the "special funding"
14 transfer. Notwithstanding the fact that tenure shall not be granted to
15 anyone holding a special faculty appointment, the termination of any
16 such faculty appointment prior to the expiration of the term of such
17 faculty member's individual contract for any cause which is not related
18 to elimination or reduction of financing or the elimination or
19 reduction of program shall be considered a termination for cause
20 subject to the provisions of this chapter;

21 (3) "Probationary faculty appointment" shall mean a faculty
22 appointment for a designated period of time which may be terminated
23 without cause upon expiration of the probationer's terms of employment;

24 (4) "Probationer" shall mean an individual holding a probationary
25 faculty appointment;

26 (5) "Administrative appointment" shall mean employment in a
27 specific administrative position as determined by the appointing
28 authority;

29 (6) "Appointing authority" shall mean the board of trustees of a
30 college district;

1 (7) "Review committee" shall mean a committee composed of the
2 probationer's faculty peers or tenured faculty member's peers, a
3 student representative, and the administrative staff of the community
4 or technical college: PROVIDED, That the majority of the committee
5 shall consist of the probationer's faculty peers or tenured faculty
6 member's peers.

7 **Sec. 53.** RCW 28B.80.280 and 1985 c 370 s 27 are each amended to
8 read as follows:

9 The board shall, in cooperation with the state institutions of
10 higher education and the state board for community and technical
11 colleges ((~~education~~)), establish and maintain a state-wide transfer of
12 credit policy and agreement. The policy and agreement shall, where
13 feasible, include course and program descriptions consistent with
14 state-wide interinstitutional guidelines. The institutions of higher
15 education shall provide support and staff resources as necessary to
16 assist in developing and maintaining this policy and agreement. The
17 state-wide transfer of credit policy and agreement shall be effective
18 beginning with the 1985-86 academic year. The board shall report on
19 developments toward that objective at the 1987 regular session of the
20 legislature.

21 **Sec. 54.** RCW 28B.80.320 and 1985 c 370 s 3 are each amended to
22 read as follows:

23 The purpose of the board is to provide planning, coordination,
24 monitoring, and policy analysis for higher education in the state of
25 Washington in cooperation and consultation with the institutions'
26 autonomous governing boards and with all other segments of
27 postsecondary education, including but not limited to the state board
28 for community and technical colleges ((~~education~~)) and the ((~~commission~~

1 ~~for vocational education~~) work force training and education
2 coordinating board. The legislature intends that the board represent
3 the broad public interest above the interests of the individual
4 colleges and universities.

5 **Sec. 55.** RCW 28B.80.330 and 1985 c 370 s 4 are each amended to
6 read as follows:

7 The board shall perform the following planning duties in
8 consultation with the four-year institutions, the community and
9 technical college system, and when appropriate the (~~commission for~~
10 ~~vocational education~~) work force training and education coordinating
11 board, (~~the superintendent of public instruction for the vocational-~~
12 ~~technical institutes,~~) and the independent higher educational
13 institutions:

14 (1) Develop and establish role and mission statements for each of
15 the four-year institutions and for the community and technical college
16 system;

17 (2) Identify the state's higher education goals, objectives, and
18 priorities;

19 (3) Prepare a comprehensive master plan which includes but is not
20 limited to:

21 (a) Assessments of the state's higher education needs. These
22 assessments may include, but are not limited to: The basic and
23 continuing needs of various age groups; business and industrial needs
24 for a skilled (~~workforce~~) work force; analyses of demographic,
25 social, and economic trends; consideration of the changing ethnic
26 composition of the population and the special needs arising from such
27 trends; college attendance, retention, and dropout rates, and the needs
28 of recent high school graduates and placebound adults. The board
29 should consider the needs of residents of all geographic regions, but

1 its initial priorities should be applied to heavily populated areas
2 underserved by public institutions;

3 (b) Recommendations on enrollment and other policies and actions to
4 meet those needs;

5 (c) Guidelines for continuing education, adult education, public
6 service, and other higher education programs.

7 The initial plan shall be submitted to the governor and the
8 legislature by December 1, 1987. Comments on the plan from the board's
9 advisory committees and the institutions shall be submitted with the
10 plan.

11 The plan shall be updated biennially, and presented to the governor
12 and the appropriate legislative policy committees. Following public
13 hearings, the legislature shall, by concurrent resolution, approve or
14 recommend changes to the initial plan, and the biennial updates. The
15 plan shall then become state higher education policy unless legislation
16 is enacted to alter the policies set forth in the plan;

17 (4) Review, evaluate, and make recommendations on operating and
18 capital budget requests from four-year institutions and the community
19 and technical college system, based on the elements outlined in
20 subsections (1), (2), and (3) of this section, and on guidelines which
21 outline the board's fiscal priorities. These guidelines shall be
22 distributed to the institutions and the state board for community and
23 technical colleges (~~board~~) by December of each odd-numbered year.
24 The institutions and the community college board shall submit an
25 outline of their proposed budgets, identifying major components, to the
26 board no later than August 1 of each even-numbered year. The board
27 shall submit recommendations on the proposed budgets and on the board's
28 budget priorities to the office of financial management before October
29 15 of each even-numbered year, and to the legislature by January 1 of
30 each odd-numbered year;

- 1 (5) Recommend legislation affecting higher education;
- 2 (6) Recommend tuition and fees policies and levels based on
- 3 comparisons with peer institutions;
- 4 (7) Establish priorities and develop recommendations on financial
- 5 aid based on comparisons with peer institutions;
- 6 (8) Prepare recommendations on merging or closing institutions; and
- 7 (9) Develop criteria for identifying the need for new baccalaureate
- 8 institutions.

9 **Sec. 56.** RCW 28B.80.350 and 1988 c 172 s 4 are each amended to
10 read as follows:

11 The board shall coordinate educational activities among all
12 segments of higher education taking into account the educational
13 programs, facilities, and other resources of both public and
14 independent two and four-year colleges and universities. The four-year
15 institutions and the state board for community and technical colleges
16 (~~education~~) shall coordinate information and activities with the
17 board. The board shall have the following additional responsibilities:

- 18 (1) Promote interinstitutional cooperation;
- 19 (2) Establish minimum admission standards for four-year
- 20 institutions, including a requirement that coursework in sign language
- 21 shall satisfy any foreign language requirement the board or the
- 22 institutions may establish as a general undergraduate admissions
- 23 requirement;
- 24 (3) Establish transfer policies;
- 25 (4) Adopt rules implementing statutory residency requirements;
- 26 (5) Develop and administer reciprocity agreements with bordering
- 27 states and the province of British Columbia;

1 (6) Review and recommend compensation practices and levels for
2 administrative employees, exempt under chapter 28B.16 RCW, and faculty
3 using comparative data from peer institutions;

4 (7) Monitor higher education activities for compliance with all
5 relevant state policies for higher education;

6 (8) Arbitrate disputes between and among four-year institutions or
7 between and among four-year institutions and community colleges at the
8 request of one or more of the institutions involved, or at the request
9 of the governor, or from a resolution adopted by the legislature. The
10 decision of the board shall be binding on the participants in the
11 dispute;

12 (9) Establish and implement a state system for collecting,
13 analyzing, and distributing information;

14 (10) Recommend to the governor and the legislature ways to remove
15 any economic incentives to use off-campus program funds for on-campus
16 activities; and

17 (11) Make recommendations to increase minority participation, and
18 monitor and report on the progress of minority participation in higher
19 education.

20 **Sec. 57.** RCW 28B.80.430 and 1987 c 330 s 301 are each amended to
21 read as follows:

22 The board shall employ a director and may delegate agency
23 management to the director. The director shall serve at the pleasure
24 of the board, shall be the executive officer of the board, and shall,
25 under the board's supervision, administer the provisions of this
26 chapter. The executive director shall, with the approval of the board:

27 (1) Employ necessary deputy and assistant directors and other exempt
28 staff under chapter 28B.16 RCW who shall serve at his or her pleasure
29 on such terms and conditions as he or she determines and (2) subject to

1 the provisions of chapter 28B.16 RCW, appoint and employ such other
2 employees as may be required for the proper discharge of the functions
3 of the board. The executive director shall exercise such additional
4 powers, other than rulemaking, as may be delegated by the board by
5 resolution. In fulfilling the duties under this chapter, the board
6 shall make extensive use of those state agencies with responsibility
7 for implementing and supporting postsecondary education plans and
8 policies including but not limited to appropriate legislative groups,
9 the postsecondary education institutions, the office of financial
10 management, the ((~~commission for vocational education~~)) work force
11 training and education coordinating board, and the state board for
12 community and technical colleges ((~~education~~)). Outside consulting and
13 service agencies may also be employed. The board may compensate these
14 groups and consultants in appropriate ways.

15 **Sec. 58.** RCW 28B.80.555 and 1991 c 228 s 8 are each amended to
16 read as follows:

17 In consultation with the advisory committee on access to higher
18 education for students with disabilities the board shall:

19 (1) Inventory existing campus and agency resources available to
20 address the accommodation needs of students with disabilities;

21 (2) Distribute the inventory to institutions of higher education
22 and to the superintendent of public instruction for further
23 distribution to appropriate personnel in the K-12 system;

24 (3) Survey institutions of higher education and students with
25 disabilities to identify specific services that have been requested but
26 not provided;

27 (4) Report the results of the survey, with recommendations on a
28 phased plan to meet identified needs in priority order, to the

1 governor, the house of representatives and senate higher education and
2 fiscal committees, and the institutions of higher education;

3 (5) In coordination with the state board for community and
4 technical colleges ((education)), conduct a state-wide training
5 workshop for coordinators of services for students with disabilities.

6 **Sec. 59.** RCW 28B.110.040 and 1989 c 341 s 4 are each amended to
7 read as follows:

8 The executive director of the higher education coordinating board,
9 in consultation with the council of presidents and the state board for
10 community and technical colleges ((education)), shall monitor the
11 compliance by institutions of higher education with this chapter.

12 (1) The board shall establish a timetable and guidelines for
13 compliance with this chapter.

14 (2) By September 30, 1990, each institution shall complete a self-
15 study on its compliance with the requirements listed in RCW
16 28B.110.030.

17 (3) By November 30, 1990, each institution shall submit to the
18 board for approval a plan to comply with the requirements of RCW
19 28B.110.030. The plan shall contain measures to ensure institutional
20 compliance with the provisions of this chapter by September 30, 1994.
21 If participation in activities, such as intercollegiate athletics and
22 matriculation in academic programs is not proportionate to the
23 percentages of male and female enrollment, the plan should outline
24 efforts to identify barriers to equal participation and to encourage
25 gender equity in all aspects of college and university life.

26 (4) The board shall report biennially, beginning December 31, 1990,
27 to the governor and the higher education committees of the house of
28 representatives and the senate on institutional efforts to comply with

1 this chapter. The report shall include recommendations on measures to
2 assist institutions with compliance.

3 (5) The board may delegate to the state board for community and
4 technical colleges (~~(education)~~) any or all responsibility for
5 community college compliance with the provisions of this chapter.

6 **Sec. 60.** RCW 28B.115.050 and 1991 c 332 s 18 are each amended to
7 read as follows:

8 The board shall establish a planning committee to assist it in
9 developing criteria for the selection of participants. The board shall
10 include on the planning committee representatives of the department,
11 the department of social and health services, appropriate
12 representatives from health care facilities, provider groups,
13 consumers, the state board (~~(of)~~) for community and technical colleges
14 (~~(education)~~), the superintendent of public instruction, and other
15 appropriate public and private agencies and organizations. The
16 criteria may require that some of the participants meet the definition
17 of "needy student" under RCW 28B.10.802.

18 **Sec. 61.** RCW 28B.120.020 and 1991 c 98 s 3 are each amended to
19 read as follows:

20 The higher education coordinating board shall have the following
21 powers and duties in administering the program:

22 (1) To adopt rules necessary to carry out the program;

23 (2) To establish one or more review committees to assist in the
24 evaluation of proposals for funding. The review committee shall
25 include individuals with significant experience in higher education in
26 areas relevant to one or more of the funding period priorities;

27 (3) To establish each biennium specific guidelines for submitting
28 grant proposals consistent with the overall goals of the program.

1 During the 1991-93 biennium the guidelines shall be consistent with the
2 following priorities: (a) Minority and diversity initiatives that
3 encourage the participation of minorities in higher education,
4 including students with disabilities, at a rate consistent with their
5 proportion of the population; (b) K-12 teacher preparation models that
6 encourage collaboration between higher education and K-12 to improve
7 the preparedness of teachers, including provisions for higher education
8 faculty involved with teacher preparation to spend time teaching in
9 K-12 schools; and (c) articulation and transfer activities to smooth
10 the transfer of students from K-12 to higher education, or from the
11 community colleges to four-year institutions. After June 30, 1993, and
12 each biennium thereafter, the board shall determine funding priorities
13 for collaborative proposals for the biennium in consultation with the
14 governor, the legislature, the office of the superintendent of public
15 instruction, the state board for community and technical colleges
16 ((education)), the ((state board for vocational education)) work force
17 training and education coordinating board, higher education
18 institutions, educational associations, and business and community
19 groups consistent with state-wide needs;

20 (4) To solicit grant proposals and provide information to the
21 institutions of higher education about the program; and

22 (5) To establish reporting, monitoring, and dissemination
23 requirements for the recipients of the grants.

24 **Sec. 62.** RCW 28B.125.010 and 1991 c 332 s 5 are each amended to
25 read as follows:

26 (1) The higher education coordinating board, the state board for
27 community and technical colleges ((education)), the superintendent of
28 public instruction, the state department of health, and the state
29 department of social and health services, to be known for the purposes

1 of this section as the committee, shall establish a state-wide health
2 personnel resource plan. The governor shall appoint a lead agency from
3 one of the agencies on the committee.

4 In preparing the state-wide plan the committee shall consult with
5 the training and education institutions affected by this chapter,
6 health care providers, employers of health care providers, insurers,
7 consumers of health care, and other appropriate entities.

8 Should a successor agency or agencies be authorized or created by
9 the legislature with planning, coordination, or administrative
10 authority over vocational-technical schools, community colleges, or
11 four-year higher education institutions, the governor shall grant
12 membership on the committee to such agency or agencies and remove the
13 member or members it replaces.

14 The committee shall appoint subcommittees for the purpose of
15 assisting in the development of the institutional plans required under
16 this chapter. Such subcommittees shall at least include those
17 committee members that have statutory responsibility for planning,
18 coordination, or administration of the training and education
19 institutions for which the institutional plans are being developed. In
20 preparing the institutional plans for four-year institutes of higher
21 education, the subcommittee shall be composed of at least the higher
22 education coordinating board and the state's four-year higher education
23 institutions. The appointment of subcommittees to develop portions of
24 the state-wide plan shall not relinquish the committee's responsibility
25 for assuring overall coordination, integration, and consistency of the
26 state-wide plan.

27 In establishing and implementing the state-wide health personnel
28 resource plan the committee shall, to the extent possible, utilize
29 existing data and information, personnel, equipment, and facilities and
30 shall minimize travel and take such other steps necessary to reduce the

1 administrative costs associated with the preparation and implementation
2 of the plan.

3 (2) The state-wide health resource plan shall include at least the
4 following:

5 (a)(i) Identification of the type, number, and location of the
6 health care professional work force necessary to meet health care needs
7 of the state.

8 (ii) A description and analysis of the composition and numbers of
9 the potential work force available for meeting health care service
10 needs of the population to be used for recruitment purposes. This
11 should include a description of the data, methodology, and process used
12 to make such determinations.

13 (b) A centralized inventory of the numbers of student applications
14 to higher education and vocational-technical training and education
15 programs, yearly enrollments, yearly degrees awarded, and numbers on
16 waiting lists for all the state's publicly funded health care training
17 and education programs. The committee shall request similar
18 information for incorporation into the inventory from private higher
19 education and vocational-technical training and education programs.

20 (c) A description of state-wide and local specialized provider
21 training needs to meet the health care needs of target populations and
22 a plan to meet such needs in a cost-effective and accessible manner.

23 (d) A description of how innovative, cost-effective technologies
24 such as telecommunications can and will be used to provide higher
25 education, vocational-technical, continued competency, and skill
26 maintenance and enhancement education and training to placebound
27 students who need flexible programs and who are unable to attend
28 institutions for training.

29 (e) A strategy for assuring higher education and vocational-
30 technical educational and training programming is sensitive to the

1 changing work force such as reentry workers, women, minorities, and the
2 disabled.

3 (f) A strategy and coordinated state-wide policy developed by the
4 subcommittees authorized in subsection (1) of this section for
5 increasing the number of graduates intending to serve in shortage areas
6 after graduation, including such strategies as the establishment of
7 preferential admissions and designated enrollment slots.

8 (g) Guidelines and policies developed by the subcommittees
9 authorized in subsection (1) of this section for allowing academic
10 credit for on-the-job experience such as internships, volunteer
11 experience, apprenticeships, and community service programs.

12 (h) A strategy developed by the subcommittees authorized in
13 subsection (1) of this section for making required internships and
14 residency programs available that are geographically accessible and
15 sufficiently diverse to meet both general and specialized training
16 needs as identified in the plan when such programs are required.

17 (i) A description of the need for multiskilled health care
18 professionals and an implementation plan to restructure educational and
19 training programming to meet these needs.

20 (j) An analysis of the types and estimated numbers of health care
21 personnel that will need to be recruited from out-of-state to meet the
22 health professional needs not met by in-state trained personnel.

23 (k) An analysis of the need for educational articulation within the
24 various health care disciplines and a plan for addressing the need.

25 (l) An analysis of the training needs of those members of the long-
26 term care profession that are not regulated and that have no formal
27 training requirements. Programs to meet these needs should be
28 developed in a cost-effective and a state-wide accessible manner that
29 provide for the basic training needs of these individuals.

1 (m) A designation of the professions and geographic locations in
2 which loan repayment and scholarships should be available based upon
3 objective data-based forecasts of health professional shortages. A
4 description of the criteria used to select professions and geographic
5 locations shall be included. Designations of professions and
6 geographic locations may be amended by the department of health when
7 circumstances warrant as provided for in RCW 28B.115.070.

8 (n) A description of needed changes in regulatory laws governing
9 the credentialing of health professionals.

10 (o) A description of linguistic and cultural training needs of
11 foreign-trained health care professionals to assure safe and effective
12 practice of their health care profession.

13 (p) A plan to implement the recommendations of the state-wide
14 nursing plan authorized by RCW 74.39.040.

15 (q) A description of criteria and standards that institutional
16 plans provided for in this section must address in order to meet the
17 requirements of the state-wide health personnel resource plan,
18 including funding requirements to implement the plans. The committee
19 shall also when practical identify specific outcome measures to measure
20 progress in meeting the requirements of this plan. The criteria and
21 standards shall be established in a manner as to provide flexibility to
22 the institutions in meeting state-wide plan requirements. The
23 committee shall establish required submission dates for the
24 institutional plans that permit inclusion of funding requests into the
25 institutions budget requests to the state.

26 (r) A description of how the higher education coordinating board,
27 state board for community and technical colleges (~~education~~),
28 superintendent of public instruction, department of health, and
29 department of social and health services coordinated in the creation
30 and implementation of the state plan including the areas of

1 responsibility each agency shall assume. The plan should also include
2 a description of the steps taken to assure participation by the groups
3 that are to be consulted with.

4 (s) A description of the estimated fiscal requirements for
5 implementation of the state-wide health resource plan that include a
6 description of cost saving activities that reduce potential costs by
7 avoiding administrative duplication, coordinating programming
8 activities, and other such actions to control costs.

9 (3) The committee may call upon other agencies of the state to
10 provide available information to assist the committee in meeting the
11 responsibilities under this chapter. This information shall be
12 supplied as promptly as circumstances permit.

13 (4) State agencies involved in the development and implementation
14 of the plan shall to the extent possible utilize existing personnel and
15 financial resources in the development and implementation of the state-
16 wide health personnel resource plan.

17 (5) The state-wide health personnel resource plan shall be
18 submitted to the governor by July 1, 1992, and updated by July 1 of
19 each even-numbered year. The governor, no later than December 1 of
20 that year, shall approve, approve with modifications, or disapprove the
21 state-wide health resource plan.

22 (6) The approved state-wide health resource plan shall be submitted
23 to the senate and house of representatives committees on health care,
24 higher education, and ways and means or appropriations by December 1 of
25 each even-numbered year.

26 (7) Implementation of the state-wide plan shall begin by July 1,
27 1993.

28 (8) Notwithstanding subsections (5) and (7) of this section, the
29 committee shall prepare and submit to the higher education coordinating
30 board by June 1, 1992, the analysis necessary for the initial

1 implementation of the health professional loan repayment and
2 scholarship program created in chapter 28B.115 RCW.

3 (9) Each publicly funded two-year and four-year institute of higher
4 education authorized under Title 28B RCW and vocational-technical
5 institution authorized under Title 28A RCW that offers health training
6 and education programs shall biennially prepare and submit an
7 institutional plan to the committee. The institutional plan shall
8 identify specific programming and activities of the institution that
9 meet the requirements of the state-wide health professional resource
10 plan.

11 The committee shall review and assess whether the institutional
12 plans meet the requirements of the state-wide health personnel resource
13 plan and shall prepare a report with its determination. The report
14 shall become part of the institutional plan and shall be submitted to
15 the governor and the legislature.

16 The institutional plan shall be included with the institution's
17 biennial budget submission. The institution's budget shall identify
18 proposed spending to meet the requirements of the institutional plan.
19 Each vocational-technical institution, college, or university shall be
20 responsible for implementing its institutional plan.

21 **Sec. 63.** RCW 28C.04.530 and 1987 c 231 s 2 are each amended to
22 read as follows:

23 (1) The (~~commission for vocational education or a successor~~
24 ~~agency~~) work force training and education coordinating board shall
25 have the responsibility for the development and administration of the
26 Washington award for vocational excellence program. The (~~commission~~
27 ~~or successor agency~~) board shall develop the program in consultation
28 with other state agencies and private organizations having interest and
29 responsibility in vocational education, including but not limited to:

1 The state board for community and technical colleges (~~education, the~~
2 ~~office of the superintendent of public instruction~~)), a voluntary
3 professional association of vocational educators, and representatives
4 from business, labor, and industry.

5 (2) The (~~commission or successor agency~~) work force training and
6 education coordinating board shall establish a planning committee to
7 develop the criteria for screening and selecting the students who will
8 receive the award. This criteria shall include but not be limited to
9 the following characteristics: Proficiency in their chosen fields,
10 attendance, attitude, character, leadership, and civic contributions.

11 **Sec. 64.** RCW 39.94.010 and 1989 c 356 s 1 are each amended to read
12 as follows:

13 The purposes of this chapter are to confirm the authority of the
14 state, its agencies, departments, and instrumentalities, the state
15 board for community and technical colleges (~~education~~)), and the state
16 institutions of higher education to enter into contracts for the
17 acquisition of real and personal property which provide for payments
18 over a term of more than one year and to exclude such contracts from
19 the computation of indebtedness under RCW 39.42.060 and Article VIII,
20 section 1 of the state Constitution. It is further the purpose of this
21 chapter to permit the state, its agencies, departments, and
22 instrumentalities, the state board for community and technical colleges
23 (~~education~~)), and the state institutions of higher education to enter
24 into financing contracts which make provision for the issuance of
25 certificates of participation and other financing structures.
26 Financing contracts, whether or not entered into under this chapter,
27 shall be subject to approval by the state finance committee except as
28 provided in this chapter.

29 This chapter shall be liberally construed to effect its purposes.

1 **Sec. 65.** RCW 39.94.020 and 1990 c 47 s 3 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Credit enhancement" includes insurance, letters of credit,
6 lines of credit, or other similar agreements which enhance the security
7 for the payment of the state's obligations under financing contracts.

8 (2) "Financing contract" means any contract entered into by the
9 state which provides for the use and purchase of real or personal
10 property by the state and provides for payment by the state over a term
11 of more than one year, and which provides that title to the subject
12 property shall secure performance of the state or transfer to the state
13 by the end of the term, upon exercise of an option, for a nominal
14 amount or for a price determined without reference to fair market
15 value. Financing contracts shall include, but not be limited to,
16 conditional sales contracts, financing leases, lease purchase
17 contracts, or refinancing contracts, but shall not include operating or
18 true leases. For purposes of this chapter, the term "financing
19 contract" shall not include any nonrecourse financing contract or other
20 obligation payable only from money or other property received from
21 private sources and not payable from any public money or property. The
22 term "financing contract" shall include a "master financing contract."

23 (3) "Master financing contract" means a financing contract which
24 provides for the use and purchase of property by the state, and which
25 may include more than one financing contract and appropriation.

26 (4) "State" means the state, agency, department, or instrumentality
27 of the state, the state board for community and technical colleges
28 (~~(education)~~), and any state institution of higher education.

29 (5) "State finance committee" means the state finance committee
30 under chapter 43.33 RCW.

1 (6) "Trustee" means a bank or trust company, within or without the
2 state, authorized by law to exercise trust powers.

3 **Sec. 66.** RCW 39.94.040 and 1989 c 356 s 4 are each amended to read
4 as follows:

5 (1) Except as provided in RCW 28B.10.022, the state may not enter
6 into any financing contract if the aggregate principal amount payable
7 thereunder is greater than an amount to be established from time to
8 time by the state finance committee or participate in a program
9 providing for the issuance of certificates of participation, including
10 any contract for credit enhancement, without the prior approval of the
11 state finance committee. Except as provided in RCW 28B.10.022, the
12 state finance committee shall approve the form of all financing
13 contracts or a standard format for all financing contracts. The state
14 finance committee also may:

15 (a) Consolidate existing or potential financing contracts into
16 master financing contracts with respect to property acquired by one or
17 more agencies, departments, instrumentalities of the state, the state
18 board for community and technical colleges (~~(education)~~), or a state
19 institution of higher learning;

20 (b) Approve programs providing for the issuance of certificates of
21 participation in master financing contracts;

22 (c) Enter into agreements with trustees relating to master
23 financing contracts; and

24 (d) Make appropriate rules for the performance of its duties under
25 this chapter.

26 (2) In the performance of its duties under this chapter, the state
27 finance committee may consult with representatives from the department
28 of general administration, the office of financial management, and the
29 department of information services.

1 (3) With the approval of the state finance committee, the state
2 also may enter into agreements with trustees relating to financing
3 contracts and the issuance of certificates of participation.

4 (4) The state may not enter into any financing contract for real
5 property without prior approval of the legislature.

6 **Sec. 67.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read
7 as follows:

8 (1) An agency head may permit an employee to receive leave under
9 this section if:

10 (a) The employee suffers from, or has a relative or household
11 member suffering from, an illness, injury, impairment, or physical or
12 mental condition which is of an extraordinary or severe nature and
13 which has caused, or is likely to cause, the employee to:

14 (i) Go on leave without pay status; or

15 (ii) Terminate state employment;

16 (b) The employee's absence and the use of shared leave are
17 justified;

18 (c) The employee has depleted or will shortly deplete his or her
19 annual leave and sick leave reserves;

20 (d) The employee has abided by agency rules regarding sick leave
21 use; and

22 (e) The employee has diligently pursued and been found to be
23 ineligible for benefits under chapter 51.32 RCW.

24 (2) The agency head shall determine the amount of leave, if any,
25 which an employee may receive under this section. However, an employee
26 shall not receive a total of more than two hundred sixty-one days of
27 leave.

28 (3) An employee who has an accrued annual leave balance of more
29 than ten days may request that the head of the agency for which the

1 employee works transfer a specified amount of annual leave to another
2 employee authorized to receive leave under subsection (1) of this
3 section. In no event may the employee request a transfer of an amount
4 of leave that would result in his or her annual leave account going
5 below ten days.

6 (4) An employee of a community or technical college, school
7 district, or educational service district who does not accrue annual
8 leave but does accrue sick leave and who has an accrued sick leave
9 balance of more than sixty days may request that the head of the agency
10 for which the employee works transfer a specified amount of sick leave
11 to another employee authorized to receive leave under subsection (1) of
12 this section. In no event may such an employee request a transfer of
13 more than six days of sick leave during any twelve month period, or
14 request a transfer that would result in his or her sick leave account
15 going below sixty days. Transfers of sick leave under this subsection
16 are limited to transfers from employees who do not accrue annual leave.
17 Under this subsection, "sick leave" also includes leave accrued
18 pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for
19 illness, injury, and emergencies.

20 (5) Transfers of leave made by an agency head under subsections (3)
21 and (4) of this section shall not exceed the requested amount.

22 (6) Leave transferred under this section may be transferred from
23 employees of one agency to an employee of the same agency or, with the
24 approval of the heads of both agencies, to an employee of another state
25 agency. However, leave transferred to or from employees of school
26 districts or educational service districts is limited to transfers to
27 or from employees within the same employing district.

28 (7) While an employee is on leave transferred under this section,
29 he or she shall continue to be classified as a state employee and shall
30 receive the same treatment in respect to salary, wages, and employee

1 benefits as the employee would normally receive if using accrued annual
2 leave or sick leave.

3 (a) All salary and wage payments made to employees while on leave
4 transferred under this section shall be made by the agency employing
5 the person receiving the leave. The value of leave transferred shall
6 be based upon the annual leave value of the person receiving the leave.

7 (b) In the case of leave transferred by an employee of one agency
8 to an employee of another agency, the agencies involved shall arrange
9 for the transfer of funds and credit for the appropriate value of
10 leave.

11 (i) Pursuant to rules adopted by the office of financial
12 management, funds shall not be transferred under this section if the
13 transfer would violate any constitutional or statutory restrictions on
14 the funds being transferred.

15 (ii) The office of financial management may adjust the
16 appropriation authority of an agency receiving funds under this section
17 only if and to the extent that the agency's existing appropriation
18 authority would prevent it from expending the funds received.

19 (iii) Where any questions arise in the transfer of funds or the
20 adjustment of appropriation authority, the director of financial
21 management shall determine the appropriate transfer or adjustment.

22 (8) Leave transferred under this section shall not be used in any
23 calculation to determine an agency's allocation of full time equivalent
24 staff positions.

25 (9) The value of any leave transferred under this section which
26 remains unused shall be returned at its original value to the employee
27 or employees who transferred the leave when the agency head finds that
28 the leave is no longer needed or will not be needed at a future time in
29 connection with the illness or injury for which the leave was
30 transferred. To the extent administratively feasible, the value of

1 unused leave which was transferred by more than one employee shall be
2 returned on a pro rata basis.

3 **Sec. 68.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to
4 read as follows:

5 The provisions of this chapter do not apply to:

6 (1) The members of the legislature or to any employee of, or
7 position in, the legislative branch of the state government including
8 members, officers, and employees of the legislative council,
9 legislative budget committee, statute law committee, and any interim
10 committee of the legislature;

11 (2) The justices of the supreme court, judges of the court of
12 appeals, judges of the superior courts or of the inferior courts, or to
13 any employee of, or position in the judicial branch of state
14 government;

15 (3) Officers, academic personnel, and employees of state
16 institutions of higher education, the state board for community and
17 technical colleges (~~(education)~~), and the higher education personnel
18 board;

19 (4) The officers of the Washington state patrol;

20 (5) Elective officers of the state;

21 (6) The chief executive officer of each agency;

22 (7) In the departments of employment security, fisheries, social
23 and health services, the director and (~~(his)~~) the director's
24 confidential secretary; in all other departments, the executive head of
25 which is an individual appointed by the governor, the director, (~~(his)~~)
26 the director's confidential secretary, and (~~(his)~~) the director's
27 statutory assistant directors;

1 (8) In the case of a multimember board, commission, or committee,
2 whether the members thereof are elected, appointed by the governor or
3 other authority, serve ex officio, or are otherwise chosen:

4 (a) All members of such boards, commissions, or committees;

5 (b) If the members of the board, commission, or committee serve on
6 a part-time basis and there is a statutory executive officer: (i) The
7 secretary of the board, commission, or committee; (ii) the chief
8 executive officer of the board, commission, or committee; and (iii) the
9 confidential secretary of the chief executive officer of the board,
10 commission, or committee;

11 (c) If the members of the board, commission, or committee serve on
12 a full-time basis: (i) The chief executive officer or administrative
13 officer as designated by the board, commission, or committee; and (ii)
14 a confidential secretary to the ((~~chairman~~)) chair of the board,
15 commission, or committee;

16 (d) If all members of the board, commission, or committee serve ex
17 officio: (i) The chief executive officer; and (ii) the confidential
18 secretary of such chief executive officer;

19 (9) The confidential secretaries and administrative assistants in
20 the immediate offices of the elective officers of the state;

21 (10) Assistant attorneys general;

22 (11) Commissioned and enlisted personnel in the military service of
23 the state;

24 (12) Inmate, student, part-time, or temporary employees, and part-
25 time professional consultants, as defined by the state personnel board
26 or the board having jurisdiction;

27 (13) The public printer or to any employees of or positions in the
28 state printing plant;

29 (14) Officers and employees of the Washington state fruit
30 commission;

1 (15) Officers and employees of the Washington state apple
2 advertising commission;

3 (16) Officers and employees of the Washington state dairy products
4 commission;

5 (17) Officers and employees of the Washington tree fruit research
6 commission;

7 (18) Officers and employees of the Washington state beef
8 commission;

9 (19) Officers and employees of any commission formed under the
10 provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

11 (20) Officers and employees of the state wheat commission formed
12 under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

13 (21) Officers and employees of agricultural commissions formed
14 under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

15 (22) Officers and employees of the nonprofit corporation formed
16 under chapter 67.40 RCW;

17 (23) Liquor vendors appointed by the Washington state liquor
18 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules
19 and regulations adopted by the state personnel board pursuant to RCW
20 41.06.150 regarding the basis for, and procedures to be followed for,
21 the dismissal, suspension, or demotion of an employee, and appeals
22 therefrom shall be fully applicable to liquor vendors except those part
23 time agency vendors employed by the liquor control board when, in
24 addition to the sale of liquor for the state, they sell goods, wares,
25 merchandise, or services as a self-sustaining private retail business;

26 (24) Executive assistants for personnel administration and labor
27 relations in all state agencies employing such executive assistants
28 including but not limited to all departments, offices, commissions,
29 committees, boards, or other bodies subject to the provisions of this

1 chapter and this subsection shall prevail over any provision of law
2 inconsistent herewith unless specific exception is made in such law;

3 (25) In each agency with fifty or more employees: Deputy agency
4 heads, assistant directors or division directors, and not more than
5 three principal policy assistants who report directly to the agency
6 head or deputy agency heads;

7 (26) All employees of the marine employees' commission;

8 (27) Up to a total of five senior staff positions of the western
9 library network under chapter 27.26 RCW responsible for formulating
10 policy or for directing program management of a major administrative
11 unit. This subsection shall expire on June 30, 1997;

12 (28) In addition to the exemptions specifically provided by this
13 chapter, the state personnel board may provide for further exemptions
14 pursuant to the following procedures. The governor or other
15 appropriate elected official may submit requests for exemption to the
16 personnel board stating the reasons for requesting such exemptions.
17 The personnel board shall hold a public hearing, after proper notice,
18 on requests submitted pursuant to this subsection. If the board
19 determines that the position for which exemption is requested is one
20 involving substantial responsibility for the formulation of basic
21 agency or executive policy or one involving directing and controlling
22 program operations of an agency or a major administrative division
23 thereof, the personnel board shall grant the request and such
24 determination shall be final. The total number of additional
25 exemptions permitted under this subsection shall not exceed one hundred
26 eighty-seven for those agencies not directly under the authority of any
27 elected public official other than the governor, and shall not exceed
28 a total of twenty-five for all agencies under the authority of elected
29 public officials other than the governor. The state personnel board
30 shall report to each regular session of the legislature during an odd-

1 numbered year all exemptions granted under subsections (24), (25), and
2 (28) of this section, together with the reasons for such exemptions.

3 The salary and fringe benefits of all positions presently or
4 hereafter exempted except for the chief executive officer of each
5 agency, full-time members of boards and commissions, administrative
6 assistants and confidential secretaries in the immediate office of an
7 elected state official, and the personnel listed in subsections (10)
8 through (22) of this section, shall be determined by the state
9 personnel board.

10 Any person holding a classified position subject to the provisions
11 of this chapter shall, when and if such position is subsequently
12 exempted from the application of this chapter, be afforded the
13 following rights: If such person previously held permanent status in
14 another classified position, such person shall have a right of
15 reversion to the highest class of position previously held, or to a
16 position of similar nature and salary.

17 Any classified employee having civil service status in a classified
18 position who accepts an appointment in an exempt position shall have
19 the right of reversion to the highest class of position previously
20 held, or to a position of similar nature and salary.

21 A person occupying an exempt position who is terminated from the
22 position for gross misconduct or malfeasance does not have the right of
23 reversion to a classified position as provided for in this section.

24 **Sec. 69.** RCW 41.32.010 and 1991 c 343 s 3 and 1991 c 35 s 31 are
25 each reenacted and amended to read as follows:

26 As used in this chapter, unless a different meaning is plainly
27 required by the context:

28 (1)(a) "Accumulated contributions" for plan I members, means the
29 sum of all regular annuity contributions with regular interest thereon.

1 (b) "Accumulated contributions" for plan II members, means the sum
2 of all contributions standing to the credit of a member in the member's
3 individual account together with the regular interest thereon.

4 (2) "Actuarial equivalent" means a benefit of equal value when
5 computed upon the basis of such mortality tables and regulations as
6 shall be adopted by the director and regular interest.

7 (3) "Annuity" means the moneys payable per year during life by
8 reason of accumulated contributions of a member.

9 (4) "Annuity fund" means the fund in which all of the accumulated
10 contributions of members are held.

11 (5) "Annuity reserve fund" means the fund to which all accumulated
12 contributions are transferred upon retirement.

13 (6)(a) "Beneficiary" for plan I members, means any person in
14 receipt of a retirement allowance or other benefit provided by this
15 chapter.

16 (b) "Beneficiary" for plan II members, means any person in receipt
17 of a retirement allowance or other benefit provided by this chapter
18 resulting from service rendered to an employer by another person.

19 (7) "Contract" means any agreement for service and compensation
20 between a member and an employer.

21 (8) "Creditable service" means membership service plus prior
22 service for which credit is allowable. This subsection shall apply
23 only to plan I members.

24 (9) "Dependent" means receiving one-half or more of support from a
25 member.

26 (10) "Disability allowance" means monthly payments during
27 disability. This subsection shall apply only to plan I members.

28 (11)(a) "Earnable compensation" for plan I members, means:

29 (i) All salaries and wages paid by an employer to an employee
30 member of the retirement system for personal services rendered during

1 a fiscal year. In all cases where compensation includes maintenance
2 the employer shall fix the value of that part of the compensation not
3 paid in money.

4 (A) Retroactive payments to an individual by an employer on
5 reinstatement of the employee in a position, or payments by an employer
6 to an individual in lieu of reinstatement in a position which are
7 awarded or granted as the equivalent of the salary or wages which the
8 individual would have earned during a payroll period shall be
9 considered earnable compensation and the individual shall receive the
10 equivalent service credit.

11 (B) If a leave of absence, without pay, is taken by a member for
12 the purpose of serving as a member of the state legislature, and such
13 member has served in the legislature five or more years, the salary
14 which would have been received for the position from which the leave of
15 absence was taken shall be considered as compensation earnable if the
16 employee's contribution thereon is paid by the employee. In addition,
17 where a member has been a member of the state legislature for five or
18 more years, earnable compensation for the member's two highest
19 compensated consecutive years of service shall include a sum not to
20 exceed thirty-six hundred dollars for each of such two consecutive
21 years, regardless of whether or not legislative service was rendered
22 during those two years.

23 (ii) For members employed less than full time under written
24 contract with a school district, or community and technical college
25 district, in an instructional position, for which the member receives
26 service credit of less than one year in all of the years used to
27 determine the earnable compensation used for computing benefits due
28 under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to
29 have earnable compensation defined as provided in RCW (~~41.32.011~~)
30 41.32.345. For the purposes of this subsection, the term

1 "instructional position" means a position in which more than seventy-
2 five percent of the member's time is spent as a classroom instructor
3 (including office hours), a librarian, or a counselor. Earnable
4 compensation shall be so defined only for the purpose of the
5 calculation of retirement benefits and only as necessary to insure that
6 members who receive fractional service credit under RCW 41.32.270
7 receive benefits proportional to those received by members who have
8 received full-time service credit.

9 (b) "Earnable compensation" for plan II members, means salaries or
10 wages earned by a member during a payroll period for personal services,
11 including overtime payments, and shall include wages and salaries
12 deferred under provisions established pursuant to sections 403(b),
13 414(h), and 457 of the United States Internal Revenue Code, but shall
14 exclude lump sum payments for deferred annual sick leave, unused
15 accumulated vacation, unused accumulated annual leave, or any form of
16 severance pay.

17 (i) Retroactive payments to an individual by an employer on
18 reinstatement of the employee in a position or payments by an employer
19 to an individual in lieu of reinstatement in a position which are
20 awarded or granted as the equivalent of the salary or wages which the
21 individual would have earned during a payroll period shall be
22 considered earnable compensation, to the extent provided above, and the
23 individual shall receive the equivalent service credit.

24 (ii) In any year in which a member serves in the legislature the
25 member shall have the option of having such member's earnable
26 compensation be the greater of:

27 (A) The earnable compensation the member would have received had
28 such member not served in the legislature; or

29 (B) Such member's actual earnable compensation received for
30 teaching and legislative service combined. Any additional

1 contributions to the retirement system required because compensation
2 earnable under (b)(ii)(A) of this subsection is greater than
3 compensation earnable under (b)(ii)(B) of this subsection shall be paid
4 by the member for both member and employer contributions.

5 (12) "Employer" means the state of Washington, the school district,
6 or any agency of the state of Washington by which the member is paid.

7 (13) "Fiscal year" means a year which begins July 1st and ends June
8 30th of the following year.

9 (14) "Former state fund" means the state retirement fund in
10 operation for teachers under chapter 187, Laws of 1923, as amended.

11 (15) "Local fund" means any of the local retirement funds for
12 teachers operated in any school district in accordance with the
13 provisions of chapter 163, Laws of 1917 as amended.

14 (16) "Member" means any teacher included in the membership of the
15 retirement system. Also, any other employee of the public schools who,
16 on July 1, 1947, had not elected to be exempt from membership and who,
17 prior to that date, had by an authorized payroll deduction, contributed
18 to the annuity fund.

19 (17) "Membership service" means service rendered subsequent to the
20 first day of eligibility of a person to membership in the retirement
21 system: PROVIDED, That where a member is employed by two or more
22 employers the individual shall receive no more than one service credit
23 month during any calendar month in which multiple service is rendered.
24 The provisions of this subsection shall apply only to plan I members.

25 (18) "Pension" means the moneys payable per year during life from
26 the pension reserve fund.

27 (19) "Pension reserve fund" is a fund in which shall be accumulated
28 an actuarial reserve adequate to meet present and future pension
29 liabilities of the system and from which all pension obligations are to
30 be paid.

1 (20) "Prior service" means service rendered prior to the first date
2 of eligibility to membership in the retirement system for which credit
3 is allowable. The provisions of this subsection shall apply only to
4 plan I members.

5 (21) "Prior service contributions" means contributions made by a
6 member to secure credit for prior service. The provisions of this
7 subsection shall apply only to plan I members.

8 (22) "Public school" means any institution or activity operated by
9 the state of Washington or any instrumentality or political subdivision
10 thereof employing teachers, except the University of Washington and
11 Washington State University.

12 (23) "Regular contributions" means the amounts required to be
13 deducted from the compensation of a member and credited to the member's
14 individual account in the annuity fund. This subsection shall apply
15 only to plan I members.

16 (24) "Regular interest" means such rate as the director may
17 determine.

18 (25)(a) "Retirement allowance" for plan I members, means monthly
19 payments based on the sum of annuity and pension, or any optional
20 benefits payable in lieu thereof.

21 (b) "Retirement allowance" for plan II members, means monthly
22 payments to a retiree or beneficiary as provided in this chapter.

23 (26) "Retirement system" means the Washington state teachers'
24 retirement system.

25 (27)(a) "Service" means the time during which a member has been
26 employed by an employer for compensation: PROVIDED, That where a
27 member is employed by two or more employers the individual shall
28 receive no more than one service credit month during any calendar month
29 in which multiple service is rendered.

1 (b) "Service" for plan II members, means periods of employment by
2 a member for one or more employers for which earnable compensation is
3 earned subject to the following conditions:

4 (i) A member employed in an eligible position or as a substitute
5 shall receive one service credit month for each month of September
6 through August of the following year if he or she earns earnable
7 compensation for eight hundred ten or more hours during that period and
8 is employed during nine of those months, except that a member may not
9 receive credit for any period prior to the member's employment in an
10 eligible position except as provided in RCW 41.32.812 and 41.50.132;

11 (ii) If a member is employed either in an eligible position or as
12 a substitute teacher for nine months of the twelve month period between
13 September through August of the following year but earns earnable
14 compensation for less than eight hundred ten hours but for at least six
15 hundred thirty hours, he or she will receive one-half of a service
16 credit month for each month of the twelve month period;

17 (iii) All other members in an eligible position or as a substitute
18 teacher shall receive service credit as follows:

19 (A) A service credit month is earned in those calendar months where
20 earnable compensation is earned for ninety or more hours;

21 (B) A half-service credit month is earned in those calendar months
22 where earnable compensation is earned for at least seventy hours but
23 less than ninety hours; and

24 (C) A quarter-service credit month is earned in those calendar
25 months where earnable compensation is earned for less than seventy
26 hours.

27 Any person who is a member of the teachers' retirement system and
28 who is elected or appointed to a state elective position may continue
29 to be a member of the retirement system and continue to receive a

1 service credit month for each of the months in a state elective
2 position by making the required member contributions.

3 When an individual is employed by two or more employers the
4 individual shall only receive one month's service credit during any
5 calendar month in which multiple service for ninety or more hours is
6 rendered.

7 The department shall adopt rules implementing this subsection.

8 (28) "Service credit year" means an accumulation of months of
9 service credit which is equal to one when divided by twelve.

10 (29) "Service credit month" means a full service credit month or an
11 accumulation of partial service credit months that are equal to one.

12 (30) "Survivors' benefit fund" means the fund from which survivor
13 benefits are paid to dependents of deceased members. This subsection
14 shall apply only to plan I members.

15 (31) "Teacher" means any person qualified to teach who is engaged
16 by a public school in an instructional, administrative, or supervisory
17 capacity. The term includes state, educational service district, and
18 school district superintendents and their assistants and all employees
19 certificated by the superintendent of public instruction; and in
20 addition thereto any full time school doctor who is employed by a
21 public school and renders service of an instructional or educational
22 nature.

23 (32) "Average final compensation" for plan II members, means the
24 member's average earnable compensation of the highest consecutive sixty
25 service credit months prior to such member's retirement, termination,
26 or death. Periods constituting authorized leaves of absence may not be
27 used in the calculation of average final compensation.

28 (33) "Retiree" means any member in receipt of a retirement
29 allowance or other benefit provided by this chapter resulting from
30 service rendered to an employer by such member.

1 (34) "Department" means the department of retirement systems
2 created in chapter 41.50 RCW.

3 (35) "Director" means the director of the department.

4 (36) "State elective position" means any position held by any
5 person elected or appointed to state-wide office or elected or
6 appointed as a member of the legislature.

7 (37) "State actuary" or "actuary" means the person appointed
8 pursuant to RCW 44.44.010(2).

9 (38) "Substitute teacher" means:

10 (a) A teacher who is hired by an employer to work as a temporary
11 teacher, except for teachers who are annual contract employees of an
12 employer and are guaranteed a minimum number of hours; or

13 (b) Teachers who either (i) work in ineligible positions for more
14 than one employer or (ii) work in an ineligible position or positions
15 together with an eligible position.

16 (39)(a) "Eligible position" for plan II members from June 7, 1990,
17 through September 1, 1991, means a position which normally requires two
18 or more uninterrupted months of creditable service during September
19 through August of the following year.

20 (b) "Eligible position" for plan II on and after September 1, 1991,
21 means a position that, as defined by the employer, normally requires
22 five or more months of at least seventy hours of earnable compensation
23 during September through August of the following year.

24 (c) For purposes of this chapter an employer shall not define
25 "position" in such a manner that an employee's monthly work for that
26 employer is divided into more than one position.

27 (d) The elected position of the superintendent of public
28 instruction is an eligible position.

1 (40) "Plan I" means the teachers' retirement system, plan I
2 providing the benefits and funding provisions covering persons who
3 first became members of the system prior to October 1, 1977.

4 (41) "Plan II" means the teachers' retirement system, plan II
5 providing the benefits and funding provisions covering persons who
6 first became members of the system on and after October 1, 1977.

7 **Sec. 70.** RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each
8 amended to read as follows:

9 (1) It shall be the duty of the commission, in order to prevent or
10 minimize interruptions growing out of labor disputes, to assist
11 employers and employees to settle such disputes through mediation and
12 fact-finding.

13 (2) The commission, through the director, may proffer its services
14 in any labor dispute involving a political subdivision, municipal
15 corporation, or the community and technical college system of the
16 state, either upon its own motion or upon the request of one or more of
17 the parties to the dispute, whenever in its judgment such dispute
18 threatens to cause a substantial disruption to the public welfare.

19 (3) If the director is not able to bring the parties to agreement
20 by mediation within a reasonable time, ((he)) the director shall seek
21 to induce the parties to voluntarily seek other means of settling the
22 dispute without resort to strike or other coercion, including
23 submission to the employees in the bargaining unit of the employer's
24 last offer of settlement for approval or rejection in a secret ballot.
25 The failure or refusal of either party to agree to any procedure
26 suggested by the director shall not be deemed a violation of any duty
27 or obligation imposed by this chapter.

28 (4) Final adjustment by a method agreed upon by the parties is
29 declared to be the desirable method for settlement of grievance

1 disputes arising over the application or interpretation of an existing
2 collective bargaining agreement. The commission is directed to make
3 its mediation and fact-finding services available in the settlement of
4 such grievance disputes only as a last resort.

5 **Sec. 71.** RCW 43.19.1902 and 1979 c 151 s 97 are each amended to
6 read as follows:

7 There is hereby created a state supply management advisory board
8 which shall consist of twelve members as follows: The director of
9 general administration as ((~~chairman~~)) chair, and a representative from
10 each of the following eight state agencies, who shall be appointed by
11 the governor based upon recommendations of the head of the agency from
12 which the selection is made; the department of transportation, the
13 department of social and health services, the department of natural
14 resources, the University of Washington, Washington State University,
15 the state board for community and technical colleges ((~~education~~)), the
16 superintendent of public instruction, and the office of financial
17 management. In addition, three members shall be appointed by the
18 governor to the board from the private sector: PROVIDED, That special
19 care shall be exercised to select private sector representatives
20 without a conflict of interest involving sale, lease or rental of
21 property, material, supplies, equipment, commodities, or services to
22 the state of Washington. Members of the board shall serve without
23 additional compensation and at the pleasure of the governor, but shall
24 be reimbursed for subsistence, lodging, and travel expenses as provided
25 in chapter 43.03 RCW, as now or hereafter amended. Board members from
26 the private sector shall be reimbursed from appropriated funds
27 allocated to the division of purchasing. All other board members shall
28 be reimbursed from funds appropriated for their respective agencies.
29 Seven members of the board shall constitute a quorum. The board shall

1 meet upon call of the ((~~chairman~~)) chair and shall adopt rules and
2 regulations for the conduct of its business. The ((~~chairman~~)) chair
3 may appoint special committees for the study of specific subjects,
4 which special committees may include representatives of such other
5 state agencies as may be deemed appropriate.

6 **Sec. 72.** RCW 43.31.621 and 1991 c 314 s 4 are each amended to read
7 as follows:

8 (1) There is established the agency timber task force. The task
9 force shall be chaired by the timber recovery coordinator. It shall be
10 the responsibility of the coordinator that all directives of chapter
11 314, Laws of 1991 are carried out expeditiously by the agencies
12 represented in the task force. The task force shall consist of the
13 directors, or representatives of the directors, of the following
14 agencies: The department of trade and economic development, department
15 of community development, employment security department, department of
16 social and health services, state board for community and technical
17 colleges ((~~education~~)), state board for vocational education, or its
18 replacement entity, department of natural resources, department of
19 transportation, state energy office, department of wildlife, University
20 of Washington center for international trade in forest products, and
21 department of ecology. The task force may consult and enlist the
22 assistance of the following: The higher education coordinating board,
23 University of Washington college of forest resources, Washington State
24 University school of forestry, Northwest policy center, state
25 superintendent of public instruction, the Evergreen partnership,
26 Washington association of counties, and rural development council.

27 (2) This section shall expire June 30, 1993.

1 **Sec. 73.** RCW 43.220.060 and 1987 c 505 s 44 are each amended to
2 read as follows:

3 (1) Each state department identified in RCW 43.220.020 shall have
4 the following powers and duties to carry out its functions relative to
5 the Washington conservation corps:

6 (a) Recruiting and employing staff and corps member leaders and
7 specialists;

8 (b) Adopting criteria for the selection of applicants to the
9 program from among the enrollees of the (~~youth employment exchange~~)
10 Washington service corps program;

11 (c) Executing agreements for furnishing the services of the
12 employment conservation program to carry out conservation corps
13 programs to any federal, state, or local public agency, any local
14 organization as specified in this chapter in concern with the overall
15 objectives of the conservation corps;

16 (d) Applying for and accepting grants or contributions of funds
17 from any private source;

18 (e) Determining a preference for those projects which will provide
19 long-term benefits to the public, will provide productive training and
20 work experiences to the members involved, will be labor-intensive, may
21 result in payments to the state for services performed, and can be
22 promptly completed; and

23 (f) Entering into agreements with community colleges within the
24 state's community and technical college system and other educational
25 institutions or independent nonprofit agencies to provide special
26 education in basic skills, including reading, writing, and mathematics
27 for those conservation corps members who may benefit by participation
28 in such classes. Classes shall be scheduled after corps working hours.
29 Participation by members is not mandatory but shall be strongly
30 encouraged. The participation shall be a primary factor in determining

1 whether the opportunity for corps membership beyond one year shall be
2 offered. Instruction related to the specific role of the department in
3 resource conservation shall also be offered, either in a classroom
4 setting or as is otherwise appropriate.

5 (2) The assignment of corps members shall not result in the
6 displacement of currently employed workers, including partial
7 displacement such as reduction in hours of nonovertime work, wages, or
8 other employment benefits. Supervising agencies that participate in
9 the program may not terminate, lay-off, or reduce the working hours of
10 any employee for the purpose of using a corps member with available
11 funds. In circumstances where substantial efficiencies or a public
12 purpose may result, supervising agencies may use corps members to carry
13 out essential agency work or contractual functions without displacing
14 current employees.

15 (3) Facilities, supplies, instruments, and tools of the supervising
16 agency shall be made available for use by the conservation corps to the
17 extent that such use does not conflict with the normal duties of the
18 agency. The agency may purchase, rent, or otherwise acquire other
19 necessary tools, facilities, supplies, and instruments.

20 **Sec. 74.** RCW 50.38.030 and 1985 c 466 s 66 are each amended to
21 read as follows:

22 The employment security department shall consult with the following
23 agencies prior to the issuance of the state occupational forecast:

- 24 (1) Office of financial management;
- 25 (2) Department of trade and economic development;
- 26 (3) Department of labor and industries;
- 27 (4) State board for community and technical colleges ~~((education))~~;
- 28 (5) Superintendent of public instruction;
- 29 (6) Department of social and health services;

1 (7) Department of community development;

2 (8) (~~Commission for vocational education~~) Work force training and
3 education coordinating board; and

4 (9) Other state and local agencies as deemed appropriate by the
5 commissioner of the employment security department.

6 These agencies shall cooperate with the employment security
7 department, submitting information relevant to the generation of
8 occupational forecasts.

9 **Sec. 75.** RCW 50.65.030 and 1987 c 167 s 3 are each amended to read
10 as follows:

11 The Washington service corps is established within the employment
12 security department. The commissioner shall:

13 (1) Appoint a director for the exchange and other personnel as
14 necessary to carry out the purposes of this chapter;

15 (2) Coordinate youth employment and training efforts under the
16 department's jurisdiction and cooperate with other agencies or
17 departments providing youth services to ensure that funds appropriated
18 for the purposes of this chapter will not be expended to duplicate
19 existing services, but will increase the services of youth to the
20 state;

21 (3) The employment security department is authorized to place
22 subgrants with other federal, state, and local governmental agencies
23 and private agencies to provide youth employment projects and to
24 increase the numbers of youth employed;

25 (4) Determine appropriate financial support levels by private
26 business, community groups, foundations, public agencies, and
27 individuals which will provide matching funds for enrollees in service
28 projects under work agreements. The matching funds requirement may be
29 waived for public agencies or reduced for private agencies;

1 (5) Recruit enrollees who are residents of the state unemployed at
2 the time of application and are at least eighteen years of age but have
3 not reached their twenty-sixth birthday;

4 (6) Recruit supervising agencies to host the enrollees in full-time
5 service activities which shall not exceed six months' duration, which
6 may be extended for an additional six months by mutual consent;

7 (7) Assist supervising agencies in the development of scholarships
8 and matching funds from private and public agencies, individuals, and
9 foundations in order to support a portion of the enrollee's stipend and
10 benefits;

11 (8) Develop general employment guidelines for placement of
12 enrollees in supervising agencies to establish appropriate authority
13 for hiring, firing, grievance procedures, and employment standards
14 which are consistent with state and federal law;

15 (9) Match enrollees with appropriate public agencies and available
16 service projects;

17 (10) Monitor enrollee activities for compliance with this chapter
18 and compliance with work agreements;

19 (11) Assist enrollees in transition to employment upon termination
20 from the programs, including such activities as orientation to the
21 labor market, on-the-job training, and placement in the private sector;

22 (12) Establish a program for providing incentives to encourage
23 successful completion of terms of enrollment in the service corps and
24 the continuation of educational pursuits. Such incentives shall be in
25 the form of educational assistance;

26 (13) Enter into agreements with the state's community and technical
27 college system and other educational institutions or independent
28 nonprofit agencies to provide special education in basic skills,
29 including reading, writing, and mathematics for those participants who

1 may benefit by participation in such classes. Participation is not
2 mandatory but shall be strongly encouraged.

3 **Sec. 76.** RCW 51.08.012 and 1975 1st ex.s. c 224 s 2 are each
4 amended to read as follows:

5 For the purposes of this title, "accredited school" means a school
6 or course of instruction which is:

7 (1) Approved by the state superintendent of public instruction, the
8 state board of education, the state board for community and technical
9 colleges ((education)), or the ((~~state division of vocational education~~
10 ~~of the coordinating council for occupational education~~)) work force
11 training and education coordinating board; or

12 (2) Regulated or licensed as to course content by any agency of the
13 state or under any occupational licensing act of the state, or
14 recognized by the apprenticeship council under an agreement registered
15 with the apprenticeship council pursuant to chapter 49.04 RCW.

16 **Sec. 77.** RCW 67.38.020 and 1982 1st ex.s. c 22 s 2 are each
17 amended to read as follows:

18 Unless the context clearly indicates otherwise, for the purposes of
19 this chapter the following definitions shall apply:

20 (1) "Cultural arts, stadium and convention district," or
21 "district," means a quasi municipal corporation of the state of
22 Washington created pursuant to this chapter.

23 (2) "Component city" means an incorporated city within a public
24 cultural arts, stadium and convention benefit area.

25 (3) "City" means any city or town.

26 (4) "City council" means the legislative body of any city.

27 (5) "Municipality" means a port district, public school district or
28 community and technical college district.

1 **Sec. 78.** RCW 67.38.050 and 1982 1st ex.s. c 22 s 5 are each
2 amended to read as follows:

3 The number of persons on the governing body of the district and how
4 such persons shall be selected and replaced shall be included in the
5 resolution of the county legislative authority providing for the
6 submittal of the proposition to create the district to the voters.
7 Members of the governing body may only consist of a combination of city
8 council members or mayors of the city or cities included within the
9 district, members of the county legislative authority, the county
10 executive of a county operating under a home rule charter, elected
11 members of the governing bodies of municipalities located within the
12 district, and members of the board of regents of a community and
13 technical college district. No governing body may consist of more than
14 nine members. The resolution may also provide for additional, ex
15 officio, nonvoting members consisting of elected officials or appointed
16 officials from the counties, cities, or municipalities which are
17 located all or partially within the boundaries of such a district and
18 (~~who~~ ~~[which]~~) which do not have elected or appointed officials
19 sitting on the governing body.

20 Any member of the governing body, or any ex officio member, who is
21 not an elective official whose office is a full-time position may be
22 reimbursed for reasonable expenses actually incurred in attending
23 meetings or engaging in other district business as provided in RCW
24 42.24.090.

25 **Sec. 79.** RCW 70.120.020 and 1989 c 240 s 5 are each amended to
26 read as follows:

27 (1) The department shall conduct the following programs in a manner
28 that will enhance the successful implementation of the air pollution
29 control system established for motor vehicles by this chapter:

1 (a) A voluntary motor vehicle emissions inspection program;

2 (b) A public educational program regarding the health effects of
3 air pollution emitted by motor vehicles; the purpose, operation, and
4 effect of emission control devices and systems; and the effect that
5 proper maintenance of motor vehicle engines has on fuel economy and air
6 pollution emission; and

7 (c) A public notification program identifying the geographic areas
8 of the state that are designated as being noncompliance areas and
9 emission contributing areas and describing the requirements imposed
10 under this chapter for those areas.

11 (2)(a) The department, the superintendent of public instruction,
12 and the state board for community and technical colleges (~~(education)~~)
13 shall develop cooperatively, after consultation with automotive trades
14 joint apprenticeship committees approved in accordance with RCW
15 49.04.040, a program for granting certificates of instruction to
16 persons who successfully complete a course of study, under general
17 requirements established by the director, in the maintenance of motor
18 vehicle engines, the use of engine and exhaust analysis equipment, and
19 the repair and maintenance of emission control devices. The director
20 may establish and implement procedures for granting certification to
21 persons who successfully complete other training programs or who have
22 received certification from private organizations which meet the
23 requirements established in this subsection.

24 (b) The department shall make available to the public a list of
25 those persons who have received certificates of instruction under
26 subsection (2)(a) of this section.

27 **Sec. 80.** RCW 70.180.110 and 1990 c 271 s 15 are each amended to
28 read as follows:

1 (1) The department, in consultation with at least the higher
2 education coordinating board, the state board for community and
3 technical colleges ((education)), the superintendent of public
4 instruction, and state-supported education programs in medicine,
5 pharmacy, and nursing, shall develop a plan for increasing rural
6 training opportunities for students in medicine, pharmacy, and nursing.
7 The plan shall provide for direct exposure to rural health professional
8 practice conditions for students planning careers in medicine,
9 pharmacy, and nursing.

10 (2) The department and the medical, pharmacy, and nurse education
11 programs shall:

12 (a) Inventory existing rural-based clinical experience programs,
13 including internships, clerkships, residencies, and other training
14 opportunities available to students pursuing degrees in nursing,
15 pharmacy, and medicine;

16 (b) Identify where training opportunities do not currently exist
17 and are needed;

18 (c) Develop recommendations for improving the availability of rural
19 training opportunities;

20 (d) Develop recommendations on establishing agreements between
21 education programs to assure that all students in medical, pharmacist,
22 and nurse education programs in the state have access to rural training
23 opportunities; and

24 (e) Review private and public funding sources to finance rural-
25 based training opportunities.

26 (3) The department shall report to the house of representatives and
27 senate standing committees on health care by December 1, 1990, with
28 their findings and recommendations including needed legislative
29 changes.

1 **Sec. 81.** RCW 76.15.010 and 1991 c 179 s 3 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Department" means the department of natural resources.

6 (2) "Person" means an individual, partnership, private or public
7 municipal corporation, Indian tribe, state entity, county or local
8 governmental entity, or association of individuals of whatever nature.

9 (3) "Community and urban forest" is that land in and around human
10 settlements ranging from small communities to metropolitan areas,
11 occupied or potentially occupied by trees and associated vegetation.
12 Community and urban forest land may be planted or unplanted, used or
13 unused, and includes public and private lands, lands along
14 transportation and utility corridors, and forested watershed lands
15 within populated areas.

16 (4) "Community and urban forestry" means the planning,
17 establishment, protection, care, and management of trees and associated
18 plants individually, in small groups, or under forest conditions within
19 municipalities and counties.

20 (5) "Municipality" means a city, town, port district, public school
21 district, community and technical college district, irrigation
22 district, weed control district, park district, or other political
23 subdivision of the state.

24 NEW SECTION. **Sec. 82.** Section 79 of this act shall expire
25 January 1, 1993.