
HOUSE BILL 3220

State of Washington 61st Legislature 2010 1st Special Session

By Representatives Hasegawa and Chase

Read first time 04/09/10. Referred to Committee on Higher Education.

1 AN ACT Relating to providing a permanent and stable source of
2 funding for the state community colleges; amending RCW 28B.50.090 and
3 84.52.010; adding a new section to chapter 84.52 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that ongoing access to
7 postsecondary education is good for the economy of our state, the well-
8 being of our communities, and ensures the strength of our democracy by
9 supporting an informed and critically thinking citizenry. It is the
10 intent of the legislature to provide local supplemental tuition support
11 for 13th and 14th years of postsecondary educational opportunities
12 within the state community or technical college that is within the
13 jurisdiction of the funding source.

14 **Sec. 2.** RCW 28B.50.090 and 2010 c ... (ESSB 6359) s 3 are each
15 amended to read as follows:

16 The college board (~~shall have~~) has general supervision and
17 control over the state system of community and technical colleges. In

1 addition to the other powers and duties imposed upon the college board
2 by this chapter, the college board (~~((shall be))~~) is charged with the
3 following powers, duties, and responsibilities:

4 (1) Review the budgets prepared by the boards of trustees, prepare
5 a single budget for the support of the state system of community and
6 technical colleges and adult education, and submit this budget to the
7 governor as provided in RCW 43.88.090;

8 (2) Establish guidelines for the disbursement of funds; and receive
9 and disburse such funds for adult education and maintenance and
10 operation and capital support of the college districts in conformance
11 with the state and district budgets, and in conformance with chapter
12 43.88 RCW;

13 (3) Ensure, through the full use of its authority:

14 (a) That each college district, in coordination with colleges,
15 within a regional area, (~~((shall))~~) must offer thoroughly comprehensive
16 educational, training, and service programs to meet the needs of both
17 the communities and students served by combining high standards of
18 excellence in academic transfer courses; realistic and practical
19 courses in occupational education, both graded and ungraded; and
20 community services of an educational, cultural, and recreational
21 nature; and adult education, including basic skills and general,
22 family, and workforce literacy programs and services;

23 (b) That each college district (~~((shall))~~) must maintain an open-door
24 policy, to the end that no student will be denied admission because of
25 the location of the student's residence or because of the student's
26 educational background or ability; that, insofar as is practical in the
27 judgment of the college board, curriculum offerings will be provided to
28 meet the educational and training needs of the community generally and
29 the students thereof; and that all students, regardless of their
30 differing courses of study, will be considered, known and recognized
31 equally as members of the student body(~~((:—PROVIDED, That))~~). However,
32 the administrative officers of a community or technical college may
33 deny admission to a prospective student or attendance to an enrolled
34 student if, in their judgment, the student would not be competent to
35 profit from the curriculum offerings of the college, or would, by his
36 or her presence or conduct, create a disruptive atmosphere within the
37 college not consistent with the purposes of the institution. This

1 subsection (3)(b) (~~shall~~) does not apply to competency, conduct, or
2 presence associated with a disability in a person twenty-one years of
3 age or younger attending a technical college;

4 (4) Prepare a comprehensive master plan for the development of
5 community and technical college education and training in the state;
6 and assist the office of financial management in the preparation of
7 enrollment projections to support plans for providing adequate college
8 facilities in all areas of the state. The master plan (~~shall~~) must
9 include implementation of the vision, goals, priorities, and strategies
10 in the statewide strategic master plan for higher education under RCW
11 28B.76.200 based on the community and technical college system's role
12 and mission. The master plan (~~shall~~) must also contain measurable
13 performance indicators and benchmarks for gauging progress toward
14 achieving the goals and priorities;

15 (5) Define and administer criteria and guidelines for the
16 establishment of new community and technical colleges or campuses
17 within the existing districts;

18 (6) Establish criteria and procedures for modifying district
19 boundary lines and consolidating district structures to form multiple
20 campus districts consistent with the purposes set forth in RCW
21 28B.50.020 as now or hereafter amended and in accordance therewith make
22 such changes as it deems advisable;

23 (7) Establish minimum standards to govern the operation of the
24 community and technical colleges with respect to:

25 (a) Qualifications and credentials of instructional and key
26 administrative personnel, except as otherwise provided in the state
27 plan for vocational education,

28 (b) Internal budgeting, accounting, auditing, and financial
29 procedures as necessary to supplement the general requirements
30 prescribed pursuant to chapter 43.88 RCW,

31 (c) The content of the curriculums and other educational and
32 training programs, and the requirement for degrees and certificates
33 awarded by the colleges,

34 (d) Standard admission policies,

35 (e) Eligibility of courses to receive state fund support;

36 (8) Establish and administer criteria and procedures for all
37 capital construction including the establishment, installation, and
38 expansion of facilities within the various college districts;

1 (9) Encourage innovation in the development of new educational and
2 training programs and instructional methods; coordinate research
3 efforts to this end; and disseminate the findings thereof;

4 (10) Exercise any other powers, duties and responsibilities
5 necessary to carry out the purposes of this chapter;

6 (11) Authorize the various community and technical colleges to
7 offer programs and courses in other districts when it determines that
8 such action is consistent with the purposes set forth in RCW 28B.50.020
9 as now or hereafter amended;

10 (12) Notwithstanding any other law or statute regarding the sale of
11 state property, sell or exchange and convey any or all interest in any
12 community and technical college real and personal property, except such
13 property as is received by a college district in accordance with RCW
14 28B.50.140(8), when it determines that such property is surplus or that
15 such a sale or exchange is in the best interests of the community and
16 technical college system;

17 (13) In order that the treasurer for the state board for community
18 and technical colleges appointed in accordance with RCW 28B.50.085 may
19 make vendor payments, the state treasurer will honor warrants drawn by
20 the state board providing for an initial advance on July 1, 1982, of
21 the current biennium and on July 1 of each succeeding biennium from the
22 state general fund in an amount equal to twenty-four percent of the
23 average monthly allotment for such budgeted biennium expenditures for
24 the state board for community and technical colleges as certified by
25 the office of financial management; and at the conclusion of such
26 initial month and for each succeeding month of any biennium, the state
27 treasurer will reimburse expenditures incurred and reported monthly by
28 the state board treasurer in accordance with chapter 43.88 RCW(~~+~~
29 ~~PROVIDED, That~~). However, the reimbursement to the state board for
30 actual expenditures incurred in the final month of each biennium
31 (~~shall~~) must be less the initial advance made in such biennium;

32 (14) Notwithstanding the provisions of subsection (12) of this
33 section, may receive such gifts, grants, conveyances, devises, and
34 bequests of real or personal property from private sources as may be
35 made from time to time, in trust or otherwise, whenever the terms and
36 conditions thereof will aid in carrying out the community and technical
37 college programs and may sell, lease or exchange, invest or expend the
38 same or the proceeds, rents, profits and income thereof according to

1 the terms and conditions thereof; and adopt regulations to govern the
2 receipt and expenditure of the proceeds, rents, profits and income
3 thereof; (~~and~~)

4 (15) The college board (~~shall have~~) has the power of eminent
5 domain; and

6 (16) Levy a property tax as provided in section 3 of this act.

7 NEW SECTION. Sec. 3. A new section is added to chapter 84.52 RCW
8 to read as follows:

9 A community college district under chapter 28B.50 RCW may impose a
10 regular property tax levy in an amount not to exceed twenty-five cents
11 per thousand dollars of assessed value. A community college district
12 must use any taxes collected under this section for the purposes of
13 chapter 28B.50 RCW. Taxes collected under this section may not be used
14 to supplant existing state funds currently allocated to a community
15 college district. For the purposes of this section, "existing state
16 funds" means the amount of funds allocated by the state to the
17 community college district for the fiscal year prior to the fiscal year
18 in which the property tax levy authorized under this section is first
19 imposed.

20 **Sec. 4.** RCW 84.52.010 and 2009 c 551 s 7 are each amended to read
21 as follows:

22 Except as is permitted under RCW 84.55.050, all taxes (~~shall~~)
23 must be levied or voted in specific amounts.

24 The rate percent of all taxes for state and county purposes, and
25 purposes of taxing districts coextensive with the county, (~~shall~~)
26 must be determined, calculated and fixed by the county assessors of the
27 respective counties, within the limitations provided by law, upon the
28 assessed valuation of the property of the county, as shown by the
29 completed tax rolls of the county, and the rate percent of all taxes
30 levied for purposes of taxing districts within any county (~~shall~~)
31 must be determined, calculated and fixed by the county assessors of the
32 respective counties, within the limitations provided by law, upon the
33 assessed valuation of the property of the taxing districts
34 respectively.

35 When a county assessor finds that the aggregate rate of tax levy on
36 any property, that is subject to the limitations set forth in RCW

1 84.52.043 or 84.52.050, exceeds the limitations provided in either of
2 these sections, the assessor (~~shall~~) must recompute and establish a
3 consolidated levy in the following manner:

4 (1) The full certified rates of tax levy for state, county, county
5 road district, and city or town purposes shall be extended on the tax
6 rolls in amounts not exceeding the limitations established by law;
7 however any state levy (~~shall~~) takes precedence over all other levies
8 and shall not be reduced for any purpose other than that required by
9 RCW 84.55.010. If, as a result of the levies imposed under RCW
10 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by
11 a metropolitan park district that was protected under RCW 84.52.120,
12 84.52.125, 84.52.135, and 84.52.140, the combined rate of regular
13 property tax levies that are subject to the one percent limitation
14 exceeds one percent of the true and fair value of any property, then
15 these levies (~~shall~~) must be reduced as follows:

16 (a) The levy imposed by a county under RCW 84.52.140 (~~shall~~) must
17 be reduced until the combined rate no longer exceeds one percent of the
18 true and fair value of any property or shall be eliminated;

19 (b) If the combined rate of regular property tax levies that are
20 subject to the one percent limitation still exceeds one percent of the
21 true and fair value of any property, the portion of the levy by a fire
22 protection district that is protected under RCW 84.52.125 shall be
23 reduced until the combined rate no longer exceeds one percent of the
24 true and fair value of any property or shall be eliminated;

25 (c) If the combined rate of regular property tax levies that are
26 subject to the one percent limitation still exceeds one percent of the
27 true and fair value of any property, the levy imposed by a county under
28 RCW 84.52.135 must be reduced until the combined rate no longer exceeds
29 one percent of the true and fair value of any property or must be
30 eliminated;

31 (d) If the combined rate of regular property tax levies that are
32 subject to the one percent limitation still exceeds one percent of the
33 true and fair value of any property, the levy imposed by a ferry
34 district under RCW 36.54.130 must be reduced until the combined rate no
35 longer exceeds one percent of the true and fair value of any property
36 or must be eliminated;

37 (e) If the combined rate of regular property tax levies that are
38 subject to the one percent limitation still exceeds one percent of the

1 true and fair value of any property, the portion of the levy by a
2 metropolitan park district that is protected under RCW 84.52.120 shall
3 be reduced until the combined rate no longer exceeds one percent of the
4 true and fair value of any property or shall be eliminated;

5 (f) If the combined rate of regular property tax levies that are
6 subject to the one percent limitation still exceeds one percent of the
7 true and fair value of any property, then the levies imposed under RCW
8 84.34.230, 84.52.105, and any portion of the levy imposed under RCW
9 84.52.069 that is in excess of thirty cents per thousand dollars of
10 assessed value, shall be reduced on a pro rata basis until the combined
11 rate no longer exceeds one percent of the true and fair value of any
12 property or shall be eliminated; and

13 (g) If the combined rate of regular property tax levies that are
14 subject to the one percent limitation still exceeds one percent of the
15 true and fair value of any property, then the thirty cents per thousand
16 dollars of assessed value of tax levy imposed under RCW 84.52.069
17 (~~shall~~) must be reduced until the combined rate no longer exceeds one
18 percent of the true and fair value of any property or eliminated.

19 (2) The certified rates of tax levy subject to these limitations by
20 all junior taxing districts imposing taxes on such property (~~shall~~)
21 must be reduced or eliminated as follows to bring the consolidated levy
22 of taxes on such property within the provisions of these limitations:

23 (a) First, the certified property tax levy rates of those junior
24 taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100,
25 and 67.38.130 (~~shall~~), and section 3 of this act must be reduced on
26 a pro rata basis or eliminated;

27 (b) Second, if the consolidated tax levy rate still exceeds these
28 limitations, the certified property tax levy rates of flood control
29 zone districts (~~shall~~) must be reduced on a pro rata basis or
30 eliminated;

31 (c) Third, if the consolidated tax levy rate still exceeds these
32 limitations, the certified property tax levy rates of all other junior
33 taxing districts, other than fire protection districts, regional fire
34 protection service authorities, library districts, the first fifty cent
35 per thousand dollars of assessed valuation levies for metropolitan park
36 districts, and the first fifty cent per thousand dollars of assessed
37 valuation levies for public hospital districts, (~~shall~~) must be
38 reduced on a pro rata basis or eliminated;

1 (d) Fourth, if the consolidated tax levy rate still exceeds these
2 limitations, the first fifty cent per thousand dollars of assessed
3 valuation levies for metropolitan park districts created on or after
4 January 1, 2002, shall be reduced on a pro rata basis or eliminated;

5 (e) Fifth, if the consolidated tax levy rate still exceeds these
6 limitations, the certified property tax levy rates authorized to fire
7 protection districts under RCW 52.16.140 and 52.16.160 and regional
8 fire protection service authorities under RCW 52.26.140(1) (b) and (c)
9 (~~shall~~) must be reduced on a pro rata basis or eliminated; and

10 (f) Sixth, if the consolidated tax levy rate still exceeds these
11 limitations, the certified property tax levy rates authorized for fire
12 protection districts under RCW 52.16.130, regional fire protection
13 service authorities under RCW 52.26.140(1)(a), library districts,
14 metropolitan park districts created before January 1, 2002, under their
15 first fifty cent per thousand dollars of assessed valuation levy, and
16 public hospital districts under their first fifty cent per thousand
17 dollars of assessed valuation levy, (~~shall~~) must be reduced on a pro
18 rata basis or eliminated.

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