
HOUSE BILL 1662

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Wilson, Haugen and May.

Read first time February 5, 1991. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; adding a new section to
2 chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding
3 a new section to chapter 28B.35 RCW; adding a new section to chapter
4 28B.40 RCW; adding a new section to chapter 28B.50 RCW; adding a new
5 chapter to Title 28B RCW; creating new sections; repealing RCW
6 28B.50.050, 28B.50.055, 28B.50.060, 28B.50.070, 28B.50.080, 28B.50.085,
7 28B.20.130, 28B.20.135, 28B.20.140, 28B.20.145, 28B.30.150, 28B.35.120,
8 28B.40.120, and 28B.50.140; providing an effective date; and declaring
9 an emergency.

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

11 NEW SECTION. **Sec. 1.** The council for postsecondary education
12 and the state board for community college education are hereby
13 abolished and their powers, duties, and functions are hereby
14 transferred to the state board of regents for higher education. All
15 references to the council for postsecondary education or the state

1 board of regents for higher education in the Revised Code of Washington
2 shall be construed to mean the state board of regents for higher
3 education.

4 NEW SECTION. **Sec. 2.** All reports, documents, surveys, books,
5 records, files, papers, or written material in the possession of the
6 council for postsecondary education and the state board for community
7 college education shall be delivered to the custody of the state board
8 of regents for higher education. All cabinets, furniture, office
9 equipment, motor vehicles, and other tangible property employed by the
10 council for postsecondary education and the state board for community
11 college education shall be made available to the state board of regents
12 for higher education. All funds, credits, or other assets held by the
13 council for postsecondary education and the state board for community
14 college education shall be assigned to the state board of regents for
15 higher education.

16 Any appropriations made to the council for postsecondary education
17 and the state board for community college education shall, on the
18 effective date of this act, be transferred and credited to the state
19 board of regents for higher education.

20 Whenever any question arises as to the transfer of any personnel,
21 funds, books, documents, records, papers, files, equipment, or other
22 tangible property used or held in the exercise of the powers and the
23 performance of the duties and functions transferred, the director of
24 financial management shall make a determination as to the proper
25 allocation and certify the same to the state agencies concerned.

26 NEW SECTION. **Sec. 3.** All classified employees of the council
27 for postsecondary education and the state board for community college
28 education are transferred to the jurisdiction of the state board of

1 regents for higher education. All employees classified under chapter
2 41.06 RCW, the state civil service law, or chapter 28B.16 RCW, the
3 state higher education personnel law, are assigned to the state board
4 of regents for higher education to perform their usual duties upon the
5 same terms as formerly, without any loss of rights, subject to any
6 action that may be appropriate thereafter in accordance with the laws
7 and rules governing state civil service.

8 NEW SECTION. **Sec. 4.** All rules and all pending business
9 before the council for postsecondary education and the state board for
10 community college education shall be continued and acted upon by the
11 state board of regents for higher education. All existing contracts and
12 obligations shall remain in full force and shall be performed by the
13 state board of regents for higher education.

14 NEW SECTION. **Sec. 5.** The transfer of the powers, duties,
15 functions, and personnel of the council for postsecondary education and
16 the state board for community college education shall not affect the
17 validity of any act performed by such employee prior to the effective
18 date of this act.

19 NEW SECTION. **Sec. 6.** If apportionments of budgeted funds are
20 required because of the transfers directed by sections 2 through 5 of
21 this act, the director of financial management shall certify the
22 apportionments to the agencies affected, the state auditor, and the
23 state treasurer. Each of these shall make the appropriate transfer and
24 adjustments in funds and appropriation accounts and equipment records
25 in accordance with the certification.

1 NEW SECTION. **Sec. 7.** Nothing contained in sections 1 through
2 6 of this act may be construed to alter any existing collective
3 bargaining unit or the provisions of any existing collective bargaining
4 agreement until the agreement has expired or until the bargaining unit
5 has been modified by action of the personnel board as provided by law.

6 NEW SECTION. **Sec. 8.** (1) The state board of regents for
7 higher education is created.

8 (2) The board shall be composed of nine citizen members appointed
9 by the governor with the consent of the senate with one from each
10 congressional district and one member serving at large and as
11 chairperson at the pleasure of the governor. The members shall serve
12 for four-year terms and until their successors are appointed and
13 qualified. The terms of the initial members shall be staggered.

14 (3) In case of a vacancy, or when an appointment is made after the
15 date of the expiration of a term, the governor shall fill the vacancy
16 for the remainder of the term of the regent whose office was vacant or
17 expired.

18 (4) A majority of the members shall constitute a quorum.

19 (5) The board shall meet at the call of the chairperson, but shall
20 meet at least quarterly.

21 (6) The board may adopt bylaws or rules for its own governance.

22 NEW SECTION. **Sec. 9.** On the effective date of this section,
23 the state board of regents for higher education shall develop a plan to
24 implement this chapter, for the transfer of duties to the board from
25 the state board for community college education and the council for
26 postsecondary education, and for the modified duties of the boards of
27 regents and trustees of the state universities, regional universities,
28 and The Evergreen State College. The board shall prepare a report

1 containing its recommendations and draft legislation to submit to the
2 legislature by January 1992, containing necessary statutory changes,
3 including terminology changes, to implement the transfer. In developing
4 the plan the board shall either assume the responsibility for financial
5 aid programs, the displaced homemaker program, the Washington scholars
6 program, providing staff support for the high-technology coordinating
7 board, applicable federal programs, reciprocity agreements between
8 British Columbia and boarder states, or shall recommend that the
9 responsibility for a particular program or duty be delegated to another
10 entity.

11 NEW SECTION. **Sec. 10.** Unless the context clearly requires
12 otherwise, as used in this chapter "board" means the state board of
13 regents for higher education.

14 NEW SECTION. **Sec. 11.** As needed, the board shall establish
15 advisory committees composed of members representing the faculty,
16 administration, students, trustees or regents, and staff of the state
17 institutions of higher education and the private institutions of higher
18 education.

19 NEW SECTION. **Sec. 12.** The board shall:

20 (1) Identify in consultation with representatives of the
21 institutions of higher education and other interested persons the
22 state's higher education goals and objectives;

23 (2) Establish a consultative process for identifying the roles and
24 missions for each institution of higher education and develop
25 statements about the roles and missions;

26 (3) Prepare a comprehensive master plan in consultation with
27 representatives from the faculty, administration, students, trustees or

1 regents, and staff of the institutions of higher education. The
2 initial plan shall be completed by December 1, 1992. The plan shall be
3 updated biennially beginning in 1993. The plan shall be submitted to
4 the legislature under section 13 of this act. In developing the plan
5 the board shall also:

6 (a) Assess the higher educational needs of the persons in this
7 state;

8 (b) Identify and recommend state policies designed to meet those
9 higher educational needs;

10 (c) Establish guidelines for continuing education, adult education,
11 public service, and other higher educational programs; and

12 (d) Outline the states' higher education goals and objectives and
13 the roles and missions for each institution of higher education.

14 NEW SECTION. **Sec. 13.** The first comprehensive plan shall be
15 submitted to the legislature by January 1993, for review and comment.
16 By December 1, 1993, and every two years thereafter the board shall
17 submit the plan, as revised, to the committees responsible for higher
18 education in the house of representatives and the senate. The
19 committees shall each hold a public hearing on the plan. The members of
20 the legislature shall consider the plan and shall express their
21 recommendation by concurrent resolution. The first plan shall be in
22 effect July 1, 1992, and revised plans shall go into effect by July 1
23 of subsequent even-numbered years.

24 NEW SECTION. **Sec. 14.** The board shall establish procedures for
25 arbitrating disputes between or among institutions of higher education.
26 The board has the power to settle these disputes.

1 NEW SECTION. **Sec. 15.** (1) The boards of regents and trustees
2 of the institutions of higher education shall submit their budget
3 requests to the board. The board shall review and modify the requests
4 as necessary and submit a budget for the institutions of higher
5 education as required under chapter 43.88 RCW.

6 (2) The board, by rule, shall establish guidelines for the
7 disbursement of funds appropriated to the board consistent with the
8 requirements of the legislature.

9 NEW SECTION. **Sec. 16.** The board shall:

10 (1) Approve creation of all new degree programs at the institutions
11 of higher education;

12 (2) Evaluate proposals for eliminating existing degree programs at
13 the institutions of higher education;

14 (3) Regularly review existing degree programs for academic rigor
15 and unnecessary duplication at the state's institutions of higher
16 education;

17 (4) Establish campus service areas and define on-campus and off-
18 campus activities at the state's institutions of higher education;

19 (5) Approve all state-supported off-campus programs, centers, and
20 owned or leased facilities;

21 (6) Adopt rules for the formation and operation of higher education
22 consortia among the institutions of higher education;

23 (7) Approve contracts for off-campus educational programs offered
24 by the institutions of higher education individually, or with other
25 institutions of higher education, or with private colleges or
26 universities; and

27 (8) Initiate development of educational programs to meet specific
28 educational needs.

1 NEW SECTION. **Sec. 17.** The board shall:

2 (1) Study and recommend levels of tuition and fees;

3 (2) Develop criteria for identifying needs for new institutions or
4 branches of institutions of higher education;

5 (3) Prepare recommendations on merging or closing institutions of
6 higher education;

7 (4) Establish priorities and develop recommendations on student
8 financial aid programs;

9 (5) Recommend enrollment policies to the legislature;

10 (6) Propose legislation about higher education issues;

11 (7) Develop and specify minimum admission standards for each
12 institution of higher education;

13 (8) Develop and implement policies for transferring students;

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

16 (10) Monitor the institutions' of higher education compliance with
17 all relevant state policies for higher education;

18 (11) Develop rules for establishing resident status for the purpose
19 of paying resident tuition;

20 (12) Review and recommend levels of compensation using comparative
21 data from comparable colleges and universities. The review of
22 compensation levels shall include proposed levels of compensation for
23 faculty, administrators including presidents, student employees
24 including research associates and teaching assistants, and other exempt
25 staff; and

26 (13) Develop reciprocity agreements with bordering states and the
27 province of British Columbia.

28 NEW SECTION. **Sec. 18.** The board may adopt rules to carry out
29 its powers and duties under this title.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 28B.20

2 RCW to read as follows:

3 The board of regents:

4 (1) Shall operate the University of Washington;

5 (2) Shall employ the president;

6 (3) May construct or lease new facilities with the approval of the
7 state board of regents for higher education;

8 (4) May, with the approval of the state board of regents for higher
9 education, borrow money and issue and sell revenue bonds;

10 (5) May, consistent with rules adopted by the state board of
11 regents for higher education, receive gifts, grants, and endowments
12 from public or private sources as may be made from time to time, in
13 trust or otherwise for the use and benefit of the purposes of the
14 University of Washington and expend the same or any income therefrom
15 according to the terms of the gifts, grants, or endowments;

16 (6) Shall prescribe, with the assistance of the faculty, courses of
17 study consistent with rules adopted by the state board of regents for
18 higher education;

19 (7) Shall enforce applicable rules adopted by the state board of
20 regents for higher education; and

21 (8) May perform other activities consistent with the mission and
22 purpose of the University of Washington.

23 NEW SECTION. **Sec. 20.** A new section is added to chapter 28B.30

24 RCW to read as follows:

25 The board of regents:

26 (1) Shall operate Washington State University;

27 (2) Shall employ the president;

28 (3) May construct or lease new facilities with the approval of the
29 state board of regents for higher education;

1 (4) May, with the approval of the state board of regents for higher
2 education, borrow money and issue and sell revenue bonds;

3 (5) May, consistent with rules adopted by the state board of
4 regents for higher education, receive gifts, grants, and endowments
5 from public or private sources as may be made from time to time, in
6 trust or otherwise for the use and benefit of the purposes of
7 Washington State University and expend the same or any income therefrom
8 according to the terms of the gifts, grants, or endowments;

9 (6) Shall prescribe, with the assistance of the faculty, courses of
10 study consistent with rules adopted by the state board of regents for
11 higher education;

12 (7) Shall enforce applicable rules adopted by the state board of
13 regents for higher education; and

14 (8) May perform other activities consistent with the mission and
15 purpose of Washington State University.

16 NEW SECTION. **Sec. 21.** A new section is added to chapter 28B.35
17 RCW to read as follows:

18 Each board of trustees of the respective regional universities:

19 (1) Shall operate the regional universities;

20 (2) Shall employ the president;

21 (3) May construct or lease new facilities with the approval of the
22 state board of regents for higher education;

23 (4) May, with the approval of the state board of regents for higher
24 education, borrow money and issue and sell revenue bonds;

25 (5) May, consistent with rules adopted by the state board of
26 regents for higher education, receive gifts, grants, and endowments
27 from public or private sources as may be made from time to time, in
28 trust or otherwise for the use and benefit of the purposes of the

1 regional universities and expend the same or any income therefrom
2 according to the terms of the gifts, grants, or endowments;

3 (6) Shall prescribe, with the assistance of the faculty, courses of
4 study consistent with rules adopted by the state board of regents for
5 higher education;

6 (7) Shall enforce applicable rules adopted by the state board of
7 regents for higher education; and

8 (8) May perform other activities consistent with the mission and
9 purpose of the regional universities.

10 NEW SECTION. **Sec. 22.** A new section is added to chapter 28B.40
11 RCW to read as follows:

12 The board of trustees:

13 (1) Shall operate The Evergreen State College;

14 (2) Shall employ the president;

15 (3) May construct or lease new facilities with the approval of the
16 state board of regents for higher education;

17 (4) May, with the approval of the state board of regents for higher
18 education, borrow money and issue and sell revenue bonds;

19 (5) May, consistent with rules adopted by the state board of
20 regents for higher education, receive gifts, grants, and endowments
21 from public or private sources as may be made from time to time, in
22 trust or otherwise for the use and benefit of the purposes of The
23 Evergreen State College and expend the same or any income therefrom
24 according to the terms of the gifts, grants, or endowments;

25 (6) Shall prescribe, with the assistance of the faculty, courses of
26 study consistent with rules adopted by the state board of regents for
27 higher education;

28 (7) Shall enforce applicable rules adopted by the state board of
29 regents for higher education; and

1 (8) May perform other activities consistent with the mission and
2 purpose of The Evergreen State College.

3 NEW SECTION. **Sec. 23.** A new section is added to chapter 28B.50
4 RCW to read as follows:

5 Each community college board of trustees:

6 (1) Shall operate the community colleges;

7 (2) Shall employ the president;

8 (3) May construct or lease new facilities with the approval of the
9 state board of regents for higher education;

10 (4) May, with the approval of the state board of regents for higher
11 education, borrow money and issue and sell revenue bonds;

12 (5) May, consistent with rules adopted by the state board of
13 regents for higher education, receive gifts, grants, and endowments
14 from public or private sources as may be made from time to time, in
15 trust or otherwise for the use and benefit of the purposes of the
16 community colleges and expend the same or any income therefrom
17 according to the terms of the gifts, grants, or endowments;

18 (6) Shall prescribe, with the assistance of the faculty, courses of
19 study consistent with rules adopted by the state board of regents for
20 higher education;

21 (7) Shall enforce applicable rules adopted by the state board of
22 regents for higher education; and

23 (8) May perform other activities consistent with the mission and
24 purpose of the community colleges.

25 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
26 each repealed:

1 (1) RCW 28B.50.050 and 1988 c 76 s 1, 1984 c 287 s 64, 1982 1st
2 ex.s. c 30 s 9, 1975-'76 2nd ex.s. c 34 s 74, 1973 c 62 s 13, 1969
3 ex.s. c 261 s 19, & 1969 ex.s. c 223 s 28B.50.050;

4 (2) RCW 28B.50.055 and 1982 1st ex.s. c 30 s 10;

5 (3) RCW 28B.50.060 and 1975-'76 2nd ex.s. c 34 s 75, 1973 1st ex.s.
6 c 46 s 8, 1973 c 62 s 14, 1969 ex.s. c 261 s 20, & 1969 ex.s. c 223 s
7 28B.50.060;

8 (4) RCW 28B.50.070 and 1987 c 505 s 15, 1986 c 130 s 1, 1977 c 75
9 s 26, 1973 c 62 s 15, & 1969 ex.s. c 223 s 28B.50.070;

10 (5) RCW 28B.50.080 and 1969 ex.s. c 223 s 28B.50.080; and

11 (6) RCW 28B.50.085 and 1981 c 246 s 4.

12 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 28B.20.130 and 1985 c 370 s 92, 1977 c 75 s 20, & 1969
15 ex.s. c 223 s 28B.20.130;

16 (2) RCW 28B.20.135 and 1969 ex.s. c 223 s 28B.20.135;

17 (3) RCW 28B.20.140 and 1969 ex.s. c 223 s 28B.20.140;

18 (4) RCW 28B.20.145 and 1969 ex.s. c 223 s 28B.20.145;

19 (5) RCW 28B.30.150 and 1985 c 370 s 93, 1977 c 75 s 21, 1973 1st
20 ex.s. c 154 s 47, & 1969 ex.s. c 223 s 28B.30.150;

21 (6) RCW 28B.35.120 and 1985 c 370 s 94 & 1977 ex.s. c 169 s 48;

22 (7) RCW 28B.40.120 and 1985 c 370 s 95, 1977 ex.s. c 169 s 68, &
23 1969 ex.s. c 223 s 28B.40.120; and

24 (8) RCW 28B.50.140 and 1990 c 135 s 1.

25 NEW SECTION. **Sec. 26.** Sections 8 through 18 of this act shall
26 constitute a new chapter in Title 28B RCW.

1 NEW SECTION. **Sec. 27.** Sections 1 through 7 and 10 through 25
2 of this act are necessary and shall take effect July 1, 1991.

3 NEW SECTION. **Sec. 28.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.