
SENATE BILL 5592

State of Washington

56th Legislature

1999 Regular Session

By Senators Kohl-Welles, Shin and Jacobsen; by request of Governor Locke

Read first time . Referred to Committee on .

1 AN ACT Relating to tuition setting authority and the use of tuition
2 in higher education; amending RCW 28B.15.031, 28B.15.065, 28B.15.066,
3 28B.15.067, 28B.15.070, 28B.15.100, 28B.20.130, 28B.30.150, 28B.35.120,
4 28B.40.120, and 28B.50.090; creating a new section; and repealing RCW
5 28B.15.110.

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 establish a permanent tuition policy for the state's public higher
9 education system. This policy should maintain affordable tuition
10 levels and predictable tuition rates so students and their families can
11 plan and pay for access to public higher education. This policy should
12 also extend limited tuition setting authority to institutions of higher
13 education and the state board for community and technical colleges so
14 they can price their services to increase productivity and market
15 responsiveness. The legislature further intends that tuition revenue
16 be used by each entity to support the state goal of improving student
17 access to quality learning opportunities.

1 **Sec. 2.** RCW 28B.15.031 and 1996 c 142 s 2 are each amended to read
2 as follows:

3 The term "operating fees" as used in this chapter shall include the
4 fees, other than building fees, charged all students registering at the
5 state's colleges and universities but shall not include fees for short
6 courses, self-supporting degree credit programs and courses, marine
7 station work, experimental station work, correspondence or extension
8 courses, and individual instruction and student deposits or rentals,
9 disciplinary and library fines, which colleges and universities shall
10 have the right to impose, laboratory, gymnasium, health, technology and
11 student activity fees, or fees, charges, rentals, and other income
12 derived from any or all revenue producing lands, buildings and
13 facilities of the colleges or universities heretofore or hereafter
14 acquired, constructed or installed, including but not limited to income
15 from rooms, dormitories, dining rooms, hospitals, infirmaries, housing
16 or student activity buildings, vehicular parking facilities, land, or
17 the appurtenances thereon, or such other special fees as may be
18 established by any college or university board of trustees or regents
19 from time to time. All moneys received as operating fees at any
20 institution of higher education shall be deposited in a local account
21 containing only operating fees revenue and related interest: PROVIDED,
22 That a minimum of three and one-half percent of operating fees shall be
23 retained by the institutions(~~(, except the technical colleges,)~~) for
24 the purposes of RCW 28B.15.820. Local operating fee accounts shall not
25 be subject to appropriation by the legislature or allotment procedures
26 under chapter 43.88 RCW.

27 **Sec. 3.** RCW 28B.15.065 and 1977 ex.s. c 322 s 6 are each amended
28 to read as follows:

29 ~~It is the intent of the legislature that ((needy students not be
30 deprived of access to higher education due to increases in educational
31 costs or consequent increases in tuition and fees. It is the sense of
32 the legislature that state appropriations for student financial aid be
33 adjusted in an amount which together with funds estimated to be
34 available in the form of basic educational opportunity grants as
35 authorized under Section 411 of the federal Higher Education Act of
36 1965 as now or hereafter amended will equal twenty four percent of any
37 change in revenue estimated to occur as a result of revisions in
38 tuition and fee levels under the provisions of this 1977 amendatory~~

1 act.) students receiving state need grants are not deprived of access
2 to higher education due to increases in tuition rates. The legislature
3 shall retain the responsibility to allocate appropriated funds to the
4 state need grant program to support changes in the overall program
5 eligibility levels and changes resulting from increased enrollments.
6 Beginning in academic year 2000, institutions of higher education must
7 dedicate a portion of net revenues received from increases in
8 undergraduate resident tuition to support state need grants to need
9 grant recipients. At a minimum, each institution of higher education
10 shall dedicate sufficient tuition revenues to need grants sufficient to
11 maintain the ratio of total state need grant awards to students at that
12 institution of higher education to total tuition charged those students
13 receiving state need grants at that institution of higher education for
14 the prior three academic years. Tuition revenues dedicated for
15 institutional support of state need grant recipients shall be retained
16 by each institution of higher education for support of students
17 enrolled at that institution of higher education. Institutional
18 contributions of tuition revenues for need grants according to chapter
19 . . . , Laws of 1999 (this act) shall be in addition to tuition revenues
20 contributed to the institutional financial aid fund required by RCW
21 28B.15.820 and in addition to tuition payments waived under RCW
22 28B.15.740. The higher education coordinating board shall determine
23 how institutions of higher education shall report financial aid paid
24 according to this section.

25 **Sec. 4.** RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended
26 to read as follows:

27 It is the intent of the legislature that:

28 In making appropriations from the state's general fund to
29 institutions of higher education, each appropriation shall conform to
30 the following:

31 (1) The appropriation shall not be reduced by the amount of
32 operating fees revenue estimated to be collected from students enrolled
33 at the state-funded enrollment level specified in the omnibus biennial
34 operating appropriations act;

35 (2) The appropriation shall not be reduced by the amount of
36 operating fees revenue collected from students enrolled above the
37 state-funded level(~~(, but within the over-enrollment limitations,)~~)
38 specified in the omnibus biennial operating appropriations act; and

1 (3) The general fund state appropriation shall not be reduced by
2 the amount of operating fees revenue collected as a result of waiving
3 less operating fees revenue than the amounts authorized under RCW
4 28B.15.910.

5 **Sec. 5.** RCW 28B.15.067 and 1997 c 403 s 1 are each amended to read
6 as follows:

7 (1) Tuition fees shall be established under the provisions of this
8 chapter.

9 (2) ~~((Academic year tuition for full-time students at the state's
10 institutions of higher education for the 1997-98 academic year, other
11 than the summer term, shall be as provided in this subsection.~~

12 ~~(a) At the University of Washington and Washington State
13 University:~~

14 ~~(i) For resident undergraduate students and other resident students
15 not in graduate, law, or first professional programs, two thousand nine
16 hundred eighty-eight dollars;~~

17 ~~(ii)(A) For nonresident undergraduate students and other
18 nonresident students at the University of Washington not in graduate,
19 law, or first professional programs, ten thousand two hundred seventy-
20 eight dollars;~~

21 ~~(B) For nonresident undergraduate students and other nonresident
22 students at Washington State University not in graduate or first
23 professional programs, nine thousand eight hundred seventy dollars;~~

24 ~~(iii) For resident graduate students, four thousand eight hundred
25 fifty-four dollars;~~

26 ~~(iv) For nonresident graduate students, twelve thousand five
27 hundred eighty-eight dollars;~~

28 ~~(v) For resident law students, five thousand ten dollars;~~

29 ~~(vi) For nonresident law students, twelve thousand nine hundred
30 fifteen dollars;~~

31 ~~(vii) For resident first professional students, eight thousand one
32 hundred twelve dollars; and~~

33 ~~(viii) For nonresident first professional students, twenty-one
34 thousand twenty-four dollars.~~

35 ~~(b) At the regional universities and The Evergreen State College:~~

36 ~~(i) For resident undergraduate and all other resident students not
37 in graduate programs, two thousand two hundred eleven dollars;~~

1 ~~(ii) For nonresident undergraduate and all other nonresident~~
2 ~~students not in graduate programs, eight thousand six hundred forty-six~~
3 ~~dollars;~~

4 ~~(iii) For resident graduate students, three thousand seven hundred~~
5 ~~twenty-six dollars; and~~

6 ~~(iv) For nonresident graduate students, eleven thousand nine~~
7 ~~hundred seventy-six dollars.~~

8 ~~(c) At the community colleges:~~

9 ~~(i) For resident students, one thousand three hundred eleven~~
10 ~~dollars; and~~

11 ~~(ii) For nonresident students, five thousand five hundred eighty-~~
12 ~~six dollars.~~

13 ~~(3)) Academic year tuition for full-time students at the state's~~
14 ~~institutions of higher education beginning with the 1998-99 academic~~
15 ~~year, other than the summer term, shall be as provided in this~~
16 ~~subsection ((unless different rates are adopted in the omnibus~~
17 ~~appropriations act)).~~

18 (a) At the University of Washington and Washington State
19 University:

20 (i) For resident undergraduate students and other resident students
21 not in graduate, law, or first professional programs, three thousand
22 one hundred eight dollars;

23 (ii)(A) For nonresident undergraduate students and other
24 nonresident students at the University of Washington not in graduate,
25 law, or first professional programs, eleven thousand one hundred thirty
26 dollars;

27 (B) For nonresident undergraduate students and other nonresident
28 students at Washington State University not in graduate or first
29 professional programs, ten thousand two hundred sixty-six dollars;

30 (iii) For resident graduate students, five thousand forty-six
31 dollars;

32 (iv) For nonresident graduate students, thirteen thousand ninety-
33 two dollars;

34 (v) For resident law students, five thousand three hundred seventy-
35 six dollars;

36 (vi) For nonresident law students, thirteen thousand seven hundred
37 eighty-two dollars;

38 (vii) For resident first professional students, eight thousand four
39 hundred thirty-six dollars; and

1 (viii) For nonresident first professional students, twenty-one
2 thousand eight hundred sixty-four dollars.

3 (b) At the regional universities and The Evergreen State College:

4 (i) For resident undergraduate and all other resident students not
5 in graduate programs, two thousand two hundred ninety-eight dollars;

6 (ii) For nonresident undergraduate and all other nonresident
7 students not in graduate programs, eight thousand nine hundred ninety-
8 one dollars;

9 (iii) For resident graduate students, three thousand eight hundred
10 seventy-six dollars; and

11 (iv) For nonresident graduate students, twelve thousand four
12 hundred fifty-six dollars.

13 (c) At the community colleges:

14 (i) For resident students, one thousand three hundred sixty-two
15 dollars; and

16 (ii) For nonresident students, five thousand eight hundred eight
17 dollars.

18 ~~((+4))~~ (3) For the ~~((1997-98 and))~~ 1998-99 academic year~~((s))~~, the
19 University of Washington shall use at least ten percent of the revenue
20 received from the difference between a four percent increase in tuition
21 fees and the actual increase charged to law students to assist needy
22 low and middle-income resident law students. For the ~~((1997-98 and))~~
23 1998-99 academic year~~((s))~~, the University of Washington shall use at
24 least ten percent of the revenue received from the difference between
25 a four percent increase in tuition fees and the actual increase charged
26 to nonresident undergraduate students and all other nonresident
27 students not in graduate, law, or first professional programs to assist
28 needy low and middle-income resident undergraduate students and all
29 other resident students not enrolled in graduate, law, or first
30 professional programs. This requirement is in addition to the deposit
31 requirements of the institutional aid fund under RCW 28B.15.820.

32 (4) For the 1999-2000 academic year and each academic year
33 thereafter, the governing boards of the state universities, regional
34 universities, The Evergreen State College, and the state board for
35 community and technical colleges may reduce full-time operating fees
36 from the levels for academic year 1998-99 or from levels for any year
37 thereafter, may increase full-time operating fees no more than five
38 percent per year for resident undergraduate students, and may increase
39 full-time operating fees no more than twenty percent per year for all

1 students other than resident undergraduates, including summer school
2 students.

3 (5) The tuition fees established under this chapter shall not apply
4 to high school students enrolling in participating institutions of
5 higher education under RCW 28A.600.300 through 28A.600.395.

6 **Sec. 6.** RCW 28B.15.070 and 1995 1st sp.s. c 9 s 7 are each amended
7 to read as follows:

8 (1) The higher education coordinating board, in consultation with
9 the house of representatives and senate committees responsible for
10 higher education, the respective fiscal committees of the house of
11 representatives and senate, the office of financial management, and the
12 state institutions of higher education, shall develop by December of
13 every fourth year beginning in 1989, definitions, criteria, and
14 procedures for determining the undergraduate and graduate educational
15 costs for the state universities, regional universities, and community
16 colleges.

17 (2) Every four years, the state institutions of higher education in
18 cooperation with the higher education coordinating board shall perform
19 an educational cost study pursuant to subsection (1) of this section.
20 The study shall be conducted based on every fourth academic year
21 beginning with 1989-90. Institutions shall complete the studies within
22 one year of the end of the study year and report the results to the
23 higher education coordinating board for consolidation, review, and
24 distribution.

25 (3) In order to conduct the study required by subsection (2) of
26 this section, the higher education coordinating board, in cooperation
27 with the institutions of higher education, shall develop a methodology
28 that requires the collection of comparable educational cost data, which
29 utilizes a faculty activity analysis or similar instrument and which
30 includes methods to estimate the cost of instruction for students
31 receiving instruction supported in part or in full by technology,
32 provided at a distance, or both supported in part or full by technology
33 and provided at a distance.

34 **Sec. 7.** RCW 28B.15.100 and 1998 c 75 s 1 are each amended to read
35 as follows:

36 (1) The governing boards of the state universities, the regional
37 universities, The Evergreen State College, and the community colleges

1 shall charge to and collect from each of the students registering at
2 the particular institution for any quarter or semester such tuition
3 fees and services and activities fees, and other fees as such board
4 shall in its discretion determine. The total of all fees shall be
5 rounded to the nearest whole dollar amount(~~(:—PROVIDED, That such~~
6 ~~tuition fees for other than the summer term shall be in the amounts for~~
7 ~~the respective institutions as otherwise set forth in RCW 28B.15.067))~~).

8 (2) Part-time students shall be charged tuition and services and
9 activities fees proportionate to full-time student rates established
10 for residents and nonresidents: PROVIDED, That students registered at
11 baccalaureate institutions for fewer than two credit hours shall be
12 charged tuition and services and activities fees at the rate
13 established for two credit hours: PROVIDED FURTHER, That, subject to
14 the limitations of RCW 28B.15.910, residents of Idaho or Oregon who are
15 enrolled in community college district number twenty for six or fewer
16 credits during any quarter or semester may be exempted from payment of
17 all or a portion of the nonresident tuition fees differential upon a
18 declaration by the higher education coordinating board that it finds
19 Washington residents from the community college district are afforded
20 substantially equivalent treatment by such other states.

21 (3) Full-time students registered for more than eighteen credit
22 hours shall be charged an additional operating fee for each credit hour
23 in excess of eighteen hours at the applicable established per credit
24 hour tuition fee rate for part-time students: PROVIDED, That, subject
25 to the limitations of RCW 28B.15.910, the governing boards of the state
26 universities and the community colleges may exempt all or a portion of
27 the additional charge, for students who are registered exclusively in
28 first professional programs in medicine, dental medicine, veterinary
29 medicine, doctor of pharmacy, or law, or who are registered exclusively
30 in required courses in vocational preparatory programs.

31 **Sec. 8.** RCW 28B.20.130 and 1998 c 245 s 16 are each amended to
32 read as follows:

33 General powers and duties of the board of regents are as follows:

34 (1) To have full control of the university and its property of
35 various kinds, except as otherwise provided by law.

36 (2) To employ the president of the university, his or her
37 assistants, members of the faculty, and employees of the institution,

1 who except as otherwise provided by law, shall hold their positions
2 during the pleasure of said board of regents.

3 (3) Establish entrance requirements for students seeking admission
4 to the university which meet or exceed the standards specified under
5 RCW 28B.80.350(2). Completion of examinations satisfactory to the
6 university may be a prerequisite for entrance by any applicant at the
7 university's discretion. Evidence of completion of public high schools
8 and other educational institutions whose courses of study meet the
9 approval of the university may be acceptable for entrance.

10 (4) Establish such colleges, schools, or departments necessary to
11 carry out the purpose of the university and not otherwise proscribed by
12 law.

13 (5) With the assistance of the faculty of the university, prescribe
14 the course of study in the various colleges, schools, and departments
15 of the institution and publish the necessary catalogues thereof.

16 (6) Grant to students such certificates or degrees as recommended
17 for such students by the faculty. The board, upon recommendation of
18 the faculty, may also confer honorary degrees upon persons other than
19 graduates of this university in recognition of their learning or
20 devotion to literature, art, or science: PROVIDED, That no degree
21 shall ever be conferred in consideration of the payment of money or the
22 giving of property of whatsoever kind.

23 (7) Accept such gifts, grants, conveyances, bequests, and devises,
24 whether real or personal property, or both, in trust or otherwise, for
25 the use or benefit of the university, its colleges, schools,
26 departments, or agencies; and sell, lease or exchange, invest or expend
27 the same or the proceeds, rents, profits, and income thereof except as
28 limited by the terms of said gifts, grants, conveyances, bequests, and
29 devises. The board shall adopt proper rules to govern and protect the
30 receipt and expenditure of the proceeds of all fees, and the proceeds,
31 rents, profits, and income of all gifts, grants, conveyances, bequests,
32 and devises (~~((above-mentioned))~~) in this subsection.

33 (8) Except as otherwise provided by law, to enter into such
34 contracts as the regents deem essential to university purposes.

35 (9) To submit upon request such reports as will be helpful to the
36 governor and to the legislature in providing for the institution.

37 (10) Subject to the approval of the higher education coordinating
38 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-
39 campus programs, participate in consortia or centers, contract for off-

1 campus educational programs, and purchase or lease major off-campus
2 facilities.

3 (11) Establish operating fees tuition rates according to RCW
4 28B.15.067 except as otherwise provided by state law.

5 (12) Establish salary and wage compensation levels for all
6 employees of the university except as otherwise provided by state law
7 or collective bargaining agreements.

8 **Sec. 9.** RCW 28B.30.150 and 1998 c 245 s 19 are each amended to
9 read as follows:

10 The regents of Washington State University, in addition to other
11 duties prescribed by law, shall:

12 (1) Have full control of the university and its property of various
13 kinds, except as otherwise provided by law.

14 (2) Employ the president of the university, his or her assistants,
15 members of the faculty, and employees of the university, who, except as
16 otherwise provided by law, shall hold their positions during the
17 pleasure of said board of regents.

18 (3) Establish entrance requirements for students seeking admission
19 to the university which meet or exceed the standards specified under
20 RCW 28B.80.350(2). Completion of examinations satisfactory to the
21 university may be a prerequisite for entrance by any applicant, at the
22 university's discretion. Evidence of completion of public high schools
23 and other educational institutions whose courses of study meet the
24 approval of the university may be acceptable for entrance.

25 (4) Establish such colleges, schools, or departments necessary to
26 carry out the purpose of the university and not otherwise proscribed by
27 law.

28 (5) Subject to the approval of the higher education coordinating
29 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-
30 campus programs, participate in consortia or centers, contract for off-
31 campus educational programs, and purchase or lease major off-campus
32 facilities.

33 (6) With the assistance of the faculty of the university, prescribe
34 the courses of instruction in the various colleges, schools, and
35 departments of the institution and publish the necessary catalogues
36 thereof.

1 (7) Collect such information as the board deems desirable as to the
2 schemes of technical instruction adopted in other parts of the United
3 States and foreign countries.

4 (8) Provide for holding agricultural institutes including farm
5 marketing forums.

6 (9) Provide that instruction given in the university, as far as
7 practicable, be conveyed by means of laboratory work and provide in
8 connection with the university one or more physical, chemical, and
9 biological laboratories, and suitably furnish and equip the same.

10 (10) Provide training in military tactics for those students
11 electing to participate therein.

12 (11) Establish a department of elementary science and in connection
13 therewith provide instruction in elementary mathematics, including
14 elementary trigonometry, elementary mechanics, elementary and
15 mechanical drawing, and land surveying.

16 (12) Establish a department of agriculture and in connection
17 therewith provide instruction in physics with special application of
18 its principles to agriculture, chemistry with special application of
19 its principles to agriculture, morphology and physiology of plants with
20 special reference to common grown crops and fungus enemies, morphology
21 and physiology of the lower forms of animal life, with special
22 reference to insect pests, morphology and physiology of the higher
23 forms of animal life and in particular of the horse, cow, sheep, and
24 swine, agriculture with special reference to the breeding and feeding
25 of livestock and the best mode of cultivation of farm produce, and
26 mining and metallurgy, appointing demonstrators in each of these
27 subjects to superintend the equipment of a laboratory and to give
28 practical instruction therein.

29 (13) Establish agricultural experiment stations in connection with
30 the department of agriculture, including at least one in the western
31 portion of the state, and appoint the officers and prescribe
32 regulations for their management.

33 (14) Grant to students such certificates or degrees, as recommended
34 for such students by the faculty.

35 (15) Confer honorary degrees upon persons other than graduates of
36 the university in recognition of their learning or devotion to
37 literature, art, or science when recommended thereto by the faculty:
38 PROVIDED, That no degree shall ever be conferred in consideration of
39 the payment of money or the giving of property of whatsoever kind.

1 (16) Adopt plans and specifications for university buildings and
2 facilities or improvements thereto and employ skilled architects and
3 engineers to prepare such plans and specifications and supervise the
4 construction of buildings or facilities which the board is authorized
5 to erect, and fix the compensation for such services. The board shall
6 enter into contracts with one or more contractors for such suitable
7 buildings, facilities, or improvements as the available funds will
8 warrant, upon the most advantageous terms offered at a public
9 competitive letting, pursuant to public notice under rules established
10 by the board. The board shall require of all persons with whom they
11 contract for construction and improvements a good and sufficient bond
12 for the faithful performance of the work and full protection against
13 all liens.

14 (17) Except as otherwise provided by law, direct the disposition of
15 all money appropriated to or belonging to the state university.

16 (18) Receive and expend the money appropriated under the act of
17 congress approved May 8, 1914, entitled "An Act to provide for
18 cooperative agricultural extension work between the agricultural
19 colleges in the several States receiving the benefits of the Act of
20 Congress approved July 2, 1862, and Acts supplemental thereto and the
21 United States Department of Agriculture" and organize and conduct
22 agricultural extension work in connection with the state university in
23 accordance with the terms and conditions expressed in the acts of
24 congress.

25 (19) Except as otherwise provided by law, to enter into such
26 contracts as the regents deem essential to university purposes.

27 (20) Acquire by lease, gift, or otherwise, lands necessary to
28 further the work of the university or for experimental or
29 demonstrational purposes.

30 (21) Establish and maintain at least one agricultural experiment
31 station in an irrigation district to conduct investigational work upon
32 the principles and practices of irrigational agriculture including the
33 utilization of water and its relation to soil types, crops, climatic
34 conditions, ditch and drain construction, fertility investigations,
35 plant disease, insect pests, marketing, farm management, utilization of
36 fruit byproducts, and general development of agriculture under
37 irrigation conditions.

38 (22) Supervise and control the agricultural experiment station at
39 Puyallup.

1 (23) Establish and maintain at Wenatchee an agricultural experiment
2 substation for the purpose of conducting investigational work upon the
3 principles and practices of orchard culture, spraying, fertilization,
4 pollenization, new fruit varieties, fruit diseases and pests,
5 byproducts, marketing, management, and general horticultural problems.

6 (24) Accept such gifts, grants, conveyances, devises, and bequests,
7 whether real or personal property, in trust or otherwise, for the use
8 or benefit of the university, its colleges, schools, or departments;
9 and sell, lease or exchange, invest or expend the same or the proceeds,
10 rents, profits, and income thereof except as limited by the terms of
11 said gifts, grants, conveyances, bequests, and devises; and adopt
12 proper rules to govern and protect the receipt and expenditure of the
13 proceeds of all fees, and the proceeds, rents, profits, and income of
14 all gifts, grants, conveyances, bequests, and devises.

15 (25) Construct when the board so determines a new foundry and a
16 mining, physical, technological building, and fabrication shop at the
17 university, or add to the present foundry and other buildings, in order
18 that both instruction and research be expanded to include permanent
19 molding and die casting with a section for new fabricating techniques,
20 especially for light metals, including magnesium and aluminum; purchase
21 equipment for the shops and laboratories in mechanical, electrical, and
22 civil engineering; establish a pilot plant for the extraction of
23 alumina from native clays and other possible light metal research;
24 purchase equipment for a research laboratory for technological research
25 generally; and purchase equipment for research in electronics,
26 instrumentation, energy sources, plastics, food technology, mechanics
27 of materials, hydraulics, and similar fields.

28 (26) Make and transmit to the governor and members of the
29 legislature upon request such reports as will be helpful in providing
30 for the institution.

31 (27) Establish operating fees tuition rates according to RCW
32 28B.15.067 except as otherwise provided by state law.

33 (28) Establish salary and wage compensation levels for all
34 employees of the university except as otherwise provided by state law
35 or collective bargaining agreements.

36 **Sec. 10.** RCW 28B.35.120 and 1985 c 370 s 94 are each amended to
37 read as follows:

1 In addition to any other powers and duties prescribed by law, each
2 board of trustees of the respective regional universities:

3 (1) Shall have full control of the regional university and its
4 property of various kinds, except as otherwise provided by law.

5 (2) Shall employ the president of the regional university, his
6 assistants, members of the faculty, and other employees of the
7 institution, who, except as otherwise provided by law, shall hold their
8 positions, until discharged therefrom by the board for good and lawful
9 reason.

10 (3) With the assistance of the faculty of the regional university,
11 shall prescribe the course of study in the various schools and
12 departments thereof and publish such catalogues thereof as the board
13 deems necessary: PROVIDED, That the state board of education shall
14 determine the requisites for and give program approval of all courses
15 leading to teacher certification by such board.

16 (4) Establish such divisions, schools or departments necessary to
17 carry out the purposes of the regional university and not otherwise
18 proscribed by law.

19 (5) Except as otherwise provided by law, may establish and erect
20 such new facilities as determined by the board to be necessary for the
21 regional university.

22 (6) May acquire real and other property as provided in RCW
23 28B.10.020, as now or hereafter amended.

24 (7) Except as otherwise provided by law, may purchase all supplies
25 and purchase or lease equipment and other personal property needed for
26 the operation or maintenance of the regional university.

27 (8) May establish, lease, operate, equip and maintain self-
28 supporting facilities in the manner provided in RCW 28B.10.300 through
29 28B.10.330, as now or hereafter amended.

30 (9) Except as otherwise provided by law, to enter into such
31 contracts as the trustees deem essential to regional university
32 purposes.

33 (10) May receive such gifts, grants, conveyances, devises and
34 bequests of real or personal property from whatsoever source, 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 regional university
37 programs; sell, lease or exchange, invest or expend the same or the
38 proceeds, rents, profits and income thereof except as limited by the
39 terms and conditions thereof; and adopt regulations to govern the

1 receipt and expenditure of the proceeds, rents, profits and income
2 thereof.

3 (11) Subject to the approval of the higher education coordinating
4 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-
5 campus programs, participate in consortia or centers, contract for off-
6 campus educational programs, and purchase or lease major off-campus
7 facilities.

8 (12) May promulgate such rules and regulations, and perform all
9 other acts not forbidden by law, as the board of trustees may in its
10 discretion deem necessary or appropriate to the administration of the
11 regional university.

12 (13) Establish operating fees tuition rates according to RCW
13 28B.15.067 except as otherwise provided by state law.

14 (14) Establish salary and wage compensation levels for all
15 employees of the university except as otherwise provided by state law
16 or collective bargaining agreements.

17 **Sec. 11.** RCW 28B.40.120 and 1985 c 370 s 95 are each amended to
18 read as follows:

19 In addition to any other powers and duties prescribed by law, the
20 board of trustees of The Evergreen State College:

21 (1) Shall have full control of the state college and its property
22 of various kinds, except as otherwise provided by law.

23 (2) Shall employ the president of the state college, his
24 assistants, members of the faculty, and other employees of the
25 institution, who, except as otherwise provided by law, shall hold their
26 positions, until discharged therefrom by the board for good and lawful
27 reason.

28 (3) With the assistance of the faculty of the state college, shall
29 prescribe the course of study in the various schools and departments
30 thereof and publish such catalogues thereof as the board deems
31 necessary: PROVIDED, That the state board of education shall determine
32 the requisites for and give program approval of all courses leading to
33 teacher certification by such board.

34 (4) Establish such divisions, schools or departments necessary to
35 carry out the purposes of the college and not otherwise proscribed by
36 law.

1 (5) Except as otherwise provided by law, may establish and erect
2 such new facilities as determined by the board to be necessary for the
3 college.

4 (6) May acquire real and other property as provided in RCW
5 28B.10.020, as now or hereafter amended.

6 (7) Except as otherwise provided by law, may purchase all supplies
7 and purchase or lease equipment and other personal property needed for
8 the operation or maintenance of the college.

9 (8) May establish, lease, operate, equip and maintain self-
10 supporting facilities in the manner provided in RCW 28B.10.300 through
11 28B.10.330, as now or hereafter amended.

12 (9) Except as otherwise provided by law, to enter into such
13 contracts as the trustees deem essential to college purposes.

14 (10) May receive such gifts, grants, conveyances, devises and
15 bequests of real or personal property from whatsoever source, as may be
16 made from time to time, in trust or otherwise, whenever the terms and
17 conditions thereof will aid in carrying out the college programs; sell,
18 lease or exchange, invest or expend the same or the proceeds, rents,
19 profits and income thereof except as limited by the terms and
20 conditions thereof; and adopt regulations to govern the receipt and
21 expenditure of the proceeds, rents, profits and income thereof.

22 (11) Subject to the approval of the higher education coordinating
23 board pursuant to RCW 28B.80.340, offer new degree programs, offer off-
24 campus programs, participate in consortia or centers, contract for off-
25 campus educational programs, and purchase or lease major off-campus
26 facilities.

27 (12) May promulgate such rules and regulations, and perform all
28 other acts not forbidden by law, as the board of trustees may in its
29 discretion deem necessary or appropriate to the administration of the
30 college.

31 (13) Establish operating fees tuition rates according to RCW
32 28B.15.067 except as otherwise provided by state law.

33 (14) Establish salary and wage compensation levels for all
34 employees of the college except as otherwise provided by state law or
35 collective bargaining agreements.

36 **Sec. 12.** RCW 28B.50.090 and 1991 c 238 s 33 are each amended to
37 read as follows:

1 The college board shall have general supervision and control over
2 the state system of community and technical colleges. In addition to
3 the other powers and duties imposed upon the college board by this
4 chapter, the college board shall be charged with the following powers,
5 duties and responsibilities:

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

10 (2) Establish guidelines for the disbursement of funds; and receive
11 and disburse such funds for adult education and maintenance and
12 operation and capital support of the college districts in conformance
13 with the state and district budgets, and in conformance with chapter
14 43.88 RCW;

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

16 (a) That each college district shall offer thoroughly comprehensive
17 educational, training and service programs to meet the needs of both
18 the communities and students served by combining high standards of
19 excellence in academic transfer courses; realistic and practical
20 courses in occupational education, both graded and ungraded; and
21 community services of an educational, cultural, and recreational
22 nature; and adult education, including basic skills and general,
23 family, and work force literacy programs and services. However,
24 technical colleges, and college districts containing only technical
25 colleges, shall maintain programs solely for occupational education,
26 basic skills, and literacy purposes. For as long as a need exists,
27 technical colleges may continue those programs, activities, and
28 services they offered during the twelve-month period preceding May 17,
29 1991;

30 (b) That each college district shall maintain an open-door policy,
31 to the end that no student will be denied admission because of the
32 location of the student's residence or because of the student's
33 educational background or ability; that, insofar as is practical in the
34 judgment of the college board, curriculum offerings will be provided to
35 meet the educational and training needs of the community generally and
36 the students thereof; and that all students, regardless of their
37 differing courses of study, will be considered, known and recognized
38 equally as members of the student body: PROVIDED, That the
39 administrative officers of a community or technical college may deny

1 admission to a prospective student or attendance to an enrolled student
2 if, in their judgment, the student would not be competent to profit
3 from the curriculum offerings of the college, or would, by his or her
4 presence or conduct, create a disruptive atmosphere within the college
5 not consistent with the purposes of the institution. This subsection
6 (b) shall not apply to competency, conduct, or presence associated with
7 a disability in a person twenty-one years of age or younger attending
8 a technical college;

9 (4) Prepare a comprehensive master plan for the development of
10 community and technical college education and training in the state;
11 and assist the office of financial management in the preparation of
12 enrollment projections to support plans for providing adequate college
13 facilities in all areas of the state;

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

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

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

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

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

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

32 (d) Standard admission policies,

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

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

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

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

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

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

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

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

39 (15) The college board shall have the power of eminent domain;

1 (16) Provide general supervision over the state's technical
2 colleges. The president of each technical college shall report
3 directly to the director of the state board for community and technical
4 colleges, or the director's designee, until local control is assumed by
5 a new or existing board of trustees as appropriate, except that a
6 college president shall have authority over program decisions of his or
7 her college until the establishment of a board of trustees for that
8 college. The directors of the vocational-technical institutes on March
9 1, 1991, shall be designated as the presidents of the new technical
10 colleges;

11 (17) Establish operating fees tuition rates for community college
12 students according to RCW 28B.15.067 except as otherwise provided by
13 state law;

14 (18) Establish salary and wage compensation levels for all
15 employees of the community and technical college system except as
16 otherwise provided by state law or collective bargaining agreements.

17 NEW SECTION. Sec. 13. RCW 28B.15.110 and 1977 ex.s. c 126 s 1 are
18 each repealed.

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