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**SUBSTITUTE SENATE BILL 5993**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Keiser, Saldaña, Kuderer, Conway, Chase, Van De Wege, Hunt, Hasegawa, Pedersen, Frockt, Palumbo, Lias, Darneille, Wellman, Nelson, Hobbs, McCoy, Miloscia, Takko, Rolfes, Mullet, Billig, and Dhingra)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to modifying collective bargaining law to  
2 authorize providing additional compensation to academic employees at  
3 community and technical colleges; amending RCW 28B.52.035 and  
4 28B.50.140; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that community and  
7 technical colleges provide important access to continuing education,  
8 preparation for a university, and workforce training that improve the  
9 quality of life and economic vitality of the state. The legislature  
10 further finds that a funding gap was created in the 2017-2019  
11 biennium between the amount of state general fund and the amount that  
12 was assumed to come from tuition increases. Therefore the legislature  
13 intends to fill the gap created in the 2017-2019 biennium and to fund  
14 salary and benefit increases with sixty-six percent state general  
15 fund.

16 **Sec. 2.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to  
17 read as follows:

18 At the conclusion of any negotiation processes as provided for in  
19 RCW 28B.52.030, any matter upon which the parties have reached  
20 agreement shall be reduced to writing and acted upon in a regular or

1 special meeting of the boards of trustees, and become part of the  
2 official proceedings of said board meeting. Except as provided in  
3 this section, provisions of written contracts relating to salary  
4 increases shall not exceed the amount or percentage established by  
5 the legislature in the appropriations act and allocated to the board  
6 of trustees by the state board for community and technical colleges.  
7 The length of term of any such agreement shall be for not more than  
8 three fiscal years. (~~Any provisions of these agreements pertaining~~  
9 to salary increases will not be binding upon future actions of the  
10 legislature.)) If any provision of a salary increase is changed by  
11 subsequent modification of the appropriations act by the legislature,  
12 both parties shall immediately enter into collective bargaining for  
13 the sole purpose of arriving at a mutually agreed upon replacement  
14 for the modified provision. A board of trustees may provide  
15 additional compensation to academic employees that exceeds that  
16 provided by the legislature.

17 **Sec. 3.** RCW 28B.50.140 and 2016 sp.s. c 33 s 3 are each amended  
18 to read as follows:

19 Each board of trustees:

20 (1) Shall operate all existing community and technical colleges  
21 in its district;

22 (2) Shall create comprehensive programs of community and  
23 technical college education and training and maintain an open-door  
24 policy in accordance with the provisions of RCW 28B.50.090(3);

25 (3) Shall employ for a period to be fixed by the board a college  
26 president for each community and technical college and, may appoint a  
27 president for the district, and fix their duties and compensation,  
28 which may include elements other than salary. Compensation under this  
29 subsection shall not affect but may supplement retirement, health  
30 care, and other benefits that are otherwise applicable to the  
31 presidents as state employees. The board shall also employ for a  
32 period to be fixed by the board members of the faculty and such other  
33 administrative officers and other employees as may be necessary or  
34 appropriate and fix their salaries and duties. Except (~~for~~  
35 ~~increments provided with local resources during the 2015-2017 fiscal~~  
36 ~~biennium)) as provided for academic employees under RCW 28B.52.035  
37 and technical college classified employees under chapter 41.56 RCW,  
38 compensation and salary increases under this subsection shall not  
39 exceed the amount or percentage established for those purposes in the~~

1 state appropriations act by the legislature as allocated to the board  
2 of trustees by the state board for community and technical colleges.  
3 The state board for community and technical colleges shall adopt  
4 rules defining the permissible elements of compensation under this  
5 subsection;

6 (4) May establish, in accordance with RCW 28B.77.080, new  
7 facilities as community needs and interests demand. However, the  
8 authority of boards of trustees to purchase or lease major off-campus  
9 facilities shall be subject to the approval of the student  
10 achievement council pursuant to RCW 28B.77.080;

11 (5) May establish or lease, operate, equip and maintain  
12 dormitories, food service facilities, bookstores and other self-  
13 supporting facilities connected with the operation of the community  
14 and technical college;

15 (6) May, with the approval of the college board, borrow money and  
16 issue and sell revenue bonds or other evidences of indebtedness for  
17 the construction, reconstruction, erection, equipping with permanent  
18 fixtures, demolition and major alteration of buildings or other  
19 capital assets, and the acquisition of sites, rights-of-way,  
20 easements, improvements or appurtenances, for dormitories, food  
21 service facilities, and other self-supporting facilities connected  
22 with the operation of the community and technical college in  
23 accordance with the provisions of RCW 28B.10.300 through 28B.10.330  
24 where applicable;

25 (7) May establish fees and charges for the facilities authorized  
26 hereunder, including reasonable rules and regulations for the  
27 government thereof, not inconsistent with the rules of the college  
28 board; each board of trustees operating a community and technical  
29 college may enter into agreements, subject to rules of the college  
30 board, with owners of facilities to be used for housing regarding the  
31 management, operation, and government of such facilities, and any  
32 board entering into such an agreement may:

33 (a) Make rules for the government, management and operation of  
34 such housing facilities deemed necessary or advisable; and

35 (b) Employ necessary employees to govern, manage and operate the  
36 same;

37 (8) May receive such gifts, grants, conveyances, devises and  
38 bequests of real or personal property from private sources, as may be  
39 made from time to time, in trust or otherwise, whenever the terms and  
40 conditions thereof will aid in carrying out the community and

1 technical college programs as specified by law and the rules of the  
2 state college board; sell, lease or exchange, invest or expend the  
3 same or the proceeds, rents, profits and income thereof according to  
4 the terms and conditions thereof; and adopt rules to govern the  
5 receipt and expenditure of the proceeds, rents, profits and income  
6 thereof;

7 (9) May establish and maintain night schools whenever in the  
8 discretion of the board of trustees it is deemed advisable, and  
9 authorize classrooms and other facilities to be used for summer or  
10 night schools, or for public meetings and for any other uses  
11 consistent with the use of such classrooms or facilities for  
12 community and technical college purposes;

13 (10) May make rules for pedestrian and vehicular traffic on  
14 property owned, operated, or maintained by the district;

15 (11) Shall prescribe, with the assistance of the faculty, the  
16 course of study in the various departments of the community and  
17 technical college or colleges under its control, and publish such  
18 catalogues and bulletins as may become necessary;

19 (12) May grant to every student, upon graduation or completion of  
20 a course of study, a suitable diploma, degree, or certificate under  
21 the rules of the state board for community and technical colleges  
22 that are appropriate to their mission. The purposes of these  
23 diplomas, certificates, and degrees are to lead individuals directly  
24 to employment in a specific occupation or prepare individuals for a  
25 bachelor's degree or beyond. Technical colleges may only offer  
26 transfer degrees that prepare students for bachelor's degrees in  
27 professional fields, subject to rules adopted by the college board.  
28 In adopting rules, the college board, where possible, shall create  
29 consistency between community and technical colleges and may address  
30 issues related to tuition and fee rates; tuition waivers; enrollment  
31 counting, including the use of credits instead of clock hours; degree  
32 granting authority; or any other rules necessary to offer the  
33 associate degrees that prepare students for transfer to bachelor's  
34 degrees in professional areas. Only colleges under RCW 28B.50.810 or  
35 28B.50.825 may award baccalaureate degrees. The board, upon  
36 recommendation of the faculty, may also confer honorary associate of  
37 arts degrees, or if it is authorized to award baccalaureate degrees  
38 may confer honorary bachelor of applied science degrees, upon persons  
39 other than graduates of the community college, in recognition of  
40 their learning or devotion to education, literature, art, or science.

1 No degree may be conferred in consideration of the payment of money  
2 or the donation of any kind of property;

3 (13) Shall enforce the rules prescribed by the state board for  
4 community and technical colleges for the government of community and  
5 technical colleges, students and teachers, and adopt such rules and  
6 perform all other acts not inconsistent with law or rules of the  
7 state board for community and technical colleges as the board of  
8 trustees may in its discretion deem necessary or appropriate to the  
9 administration of college districts: PROVIDED, That such rules shall  
10 include, but not be limited to, rules relating to housing,  
11 scholarships, conduct at the various community and technical college  
12 facilities, and discipline: PROVIDED, FURTHER, That the board of  
13 trustees may suspend or expel from community and technical colleges  
14 students who refuse to obey any of the duly adopted rules;

15 (14) May, by written order filed in its office, delegate to the  
16 president or district president any of the powers and duties vested  
17 in or imposed upon it by this chapter. Such delegated powers and  
18 duties may be exercised in the name of the district board;

19 (15) May perform such other activities consistent with this  
20 chapter and not in conflict with the directives of the college board;

21 (16) Notwithstanding any other provision of law, may offer  
22 educational services on a contractual basis other than the tuition  
23 and fee basis set forth in chapter 28B.15 RCW for a special fee to  
24 private or governmental entities, consistent with rules adopted by  
25 the state board for community and technical colleges: PROVIDED, That  
26 the whole of such special fee shall go to the college district and be  
27 not less than the full instructional costs of such services including  
28 any salary increases authorized by the legislature for community and  
29 technical college employees during the term of the agreement:  
30 PROVIDED FURTHER, That enrollments generated hereunder shall not be  
31 counted toward the official enrollment level of the college district  
32 for state funding purposes;

33 (17) Notwithstanding any other provision of law, may offer  
34 educational services on a contractual basis, charging tuition and  
35 fees as set forth in chapter 28B.15 RCW, counting such enrollments  
36 for state funding purposes, and may additionally charge a special  
37 supplemental fee when necessary to cover the full instructional costs  
38 of such services: PROVIDED, That such contracts shall be subject to  
39 review by the state board for community and technical colleges and to  
40 such rules as the state board may adopt for that purpose in order to

1 assure that the sum of the supplemental fee and the normal state  
2 funding shall not exceed the projected total cost of offering the  
3 educational service: PROVIDED FURTHER, That enrollments generated by  
4 courses offered on the basis of contracts requiring payment of a  
5 share of the normal costs of the course will be discounted to the  
6 percentage provided by the college;

7 (18) Shall be authorized to pay dues to any association of  
8 trustees that may be formed by the various boards of trustees; such  
9 association may expend any or all of such funds to submit biennially,  
10 or more often if necessary, to the governor and to the legislature,  
11 the recommendations of the association regarding changes which would  
12 affect the efficiency of such association;

13 (19) May participate in higher education centers and consortia  
14 that involve any four-year public or independent college or  
15 university in accordance with RCW 28B.77.080;

16 (20) Shall perform any other duties and responsibilities imposed  
17 by law or rule of the state board; and

18 (21) May confer honorary associate of arts degrees upon persons  
19 who request an honorary degree if they were students at the college  
20 in 1942 and did not graduate because they were ordered into an  
21 internment camp. The honorary degree may also be requested by a  
22 representative of deceased persons who meet these requirements. For  
23 the purposes of this subsection, "internment camp" means a relocation  
24 center to which persons were ordered evacuated by Presidential  
25 Executive Order 9066, signed on February 19, 1942.

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