
SUBSTITUTE HOUSE BILL 2279

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Dellwo and Paris; by request of Statute Law Committee)

Read first time 01/24/92. Referred to Committee on Judiciary.

1 AN ACT Relating to obsolete references; amending RCW 18.78.050,
2 18.88A.020, 28A.600.130, 28A.600.390, 28A.600.395, 28A.600.400,
3 28A.610.030, 28A.610.040, 28A.620.020, 28A.630.400, 28B.04.080,
4 28B.10.025, 28B.10.022, 28B.10.280, 28B.10.295, 28B.10.400, 28B.10.401,
5 28B.10.405, 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.420, 28B.10.700,
6 28B.10.840, 28B.15.502, 28B.15.522, 28B.15.535, 28B.15.540, 28B.15.730,
7 28B.15.732, 28B.15.740, 28B.15.750, 28B.15.752, 28B.15.756, 28B.15.820,
8 28B.16.040, 28B.16.060, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.190,
9 28B.16.200, 28B.50.258, 28B.50.259, 28B.80.280, 28B.80.320, 28B.80.330,
10 28B.80.350, 28B.80.430, 28B.80.555, 28B.110.040, 28B.115.050,
11 28B.120.020, 28B.125.010, 28C.04.530, 39.94.010, 39.94.020, 39.94.040,
12 41.04.665, 41.06.070, 41.58.020, 43.19.1902, 43.31.621, 43.220.060,
13 50.38.030, 50.65.030, 51.08.012, 67.38.020, 67.38.050, 70.120.020,
14 70.180.110, and 76.15.010; reenacting and amending RCW 18.88A.070,
15 28B.16.020, 28B.50.030, and 41.32.010; creating a new section; and
16 providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 provide information relating to such contract as requested by the state
2 finance committee.

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

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

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

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

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

26 The boards of regents of the state universities, the boards of
27 trustees of the regional universities and of The Evergreen State

1 College, and the state board for community and technical colleges
2 (~~education~~) are authorized and empowered:

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

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

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

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

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

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

28 (1) That the faculty member or such other employee at the time of
29 retirement elected a joint and two-thirds survivor option on ~~((their))~~

1 his or her annuity or retirement income plan using actual ages, but not
2 exceeding a five-year age difference if married, or an actuarial
3 equivalent option if single, which represents accumulations including
4 all dividends from all matching contributions and any benefit that such
5 faculty member is eligible to receive from any Washington state public
6 retirement plan while employed at an institution of higher education;

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

9 (3) That for each year after age fifty, the maximum amount of
10 contributions pursuant to RCW 28B.10.410 as now or hereafter amended be
11 contributed toward the purchase of such annuity or retirement income
12 plan, otherwise three-fourths of the formula described in RCW
13 28B.10.415, as now or hereafter amended, shall be applied.

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

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

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

27 (1) A faculty member or other employee designated by the boards of
28 regents of the state universities, the boards of trustees of the

1 regional universities and The Evergreen State College, or the state
2 board for community and technical colleges (~~(education)~~) who is granted
3 an authorized leave of absence without pay may apply the period of time
4 while on the leave in the computation of benefits in any annuity and
5 retirement plan authorized under RCW 28B.10.400 through 28B.10.430 only
6 to the extent provided in subsection (2) of this section.

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

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

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

25 The boards of regents of the state universities, the boards of
26 trustees of the regional universities and of The Evergreen State
27 College, or the state board for community and technical colleges
28 (~~(education)~~) shall pay not more than one-half of the annual premium of
29 any annuity or retirement income plan established under the provisions

1 of RCW 28B.10.400 as now or hereafter amended. Such contribution shall
2 not exceed ten percent of the salary of the faculty member or other
3 employee on whose behalf the contribution is made. This contribution
4 may be in addition to federal social security tax contributions made by
5 the boards, if any.

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

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

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

1 (1) Except as provided otherwise in subsection (2) of this section,
2 faculty members or other employees designated by the boards of regents
3 of the state universities, the boards of trustees of the regional
4 universities or of The Evergreen State College, or the state board for
5 community and technical colleges ~~((education))~~ pursuant to RCW
6 28B.10.400 through 28B.10.420 as now or hereafter amended shall be
7 retired from their employment with their institutions of higher
8 education not later than the end of the academic year next following
9 their seventieth birthday.

10 (2) As provided in this subsection, the board of regents of a state
11 university, the board of trustees of a regional university or The
12 Evergreen State College, or the state board for community and technical
13 colleges ~~((education))~~ may reemploy any person who is "retired"
14 pursuant to subsection (1) of this section, who applies for
15 reemployment and who has reached seventy years of age on or after July
16 1, 1970. The following provisions shall govern such reemployment:

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

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

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

1 (d) A person may be reemployed on a part time basis and receive or
2 continue to receive any benefits for which such person is eligible
3 under any state authorized or supported annuity or retirement income
4 plan. Such part time work, however, shall not exceed forty percent of
5 full time employment during any year.

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

11 **Sec. 25.** RCW 28B.10.700 and 1977 ex.s. c 169 s 31 are each amended
12 to read as follows:

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

21 **Sec. 26.** RCW 28B.10.840 and 1985 c 370 s 57 are each amended to
22 read as follows:

23 The term "institution of higher education" whenever used in RCW
24 28B.10.840 through 28B.10.844, shall be held and construed to mean any
25 public institution of higher education in Washington. The term
26 "educational board" whenever used in RCW 28B.10.840 through 28B.10.844,
27 shall be held and construed to mean the state board for community and

1 technical colleges (~~(education)~~) and the higher education coordinating
2 board.

3 **Sec. 27.** RCW 28B.15.502 and 1991 c 353 s 2 are each amended to
4 read as follows:

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

7 (1) For full time resident students, the total tuition fees shall
8 be twenty-three percent of the per student educational costs at the
9 community colleges computed as provided in RCW 28B.15.067 and
10 28B.15.070: PROVIDED, That the building fees for each academic year
11 shall be one hundred and twenty-seven dollars and fifty cents.

12 (2) For full time nonresident students, the total tuition fees
13 shall be one hundred percent of the per student educational costs at
14 the community colleges computed as provided in RCW 28B.15.067 and
15 28B.15.070: PROVIDED, That the building fees for each academic year
16 shall be four hundred and three dollars and fifty cents.

17 (3) The boards of trustees of each of the state community colleges
18 shall charge and collect equally from each of the students registering
19 at the particular institution and included in subsections (1) and (2)
20 hereof a services and activities fee which for each year of the 1981-83
21 biennium shall not exceed sixty-four dollars and fifty cents. In
22 subsequent biennia the board of trustees may increase the existing fee,
23 consistent with budgeting procedures set forth in RCW 28B.15.045, by a
24 percentage not to exceed the percentage increase in tuition fees
25 authorized in subsection (1) above: PROVIDED, That such percentage
26 increase shall not apply to that portion of the services and activities
27 fee previously committed to the repayment of bonded debt. The services
28 and activities fee committee provided for in RCW 28B.15.045 may
29 initiate a request to the governing board for a fee increase.

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

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

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

12 (1) The boards of trustees of the community college districts may
13 waive the tuition and services and activities fees for persons under
14 subsection (2) of this section pursuant to the following conditions:

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

18 (b) Enrollment information on persons registered pursuant to this
19 section shall be maintained separately from other enrollment
20 information and shall not be included in official enrollment reports,
21 nor shall such persons be considered in any enrollment statistics which
22 would affect budgetary determinations; and

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

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

28 (a) Meets the requirements for a resident student under RCW
29 28B.15.011 through 28B.15.015;

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

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

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

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

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

11 **Sec. 29.** RCW 28B.15.535 and 1985 c 390 s 28 are each amended to
12 read as follows:

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

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

22 (b) Enrollment information on employees registered on a space
23 available basis shall be maintained separately from other enrollment
24 information and shall not be included in official enrollment reports,
25 nor shall persons enrolled pursuant to the provisions of this section
26 be considered in any enrollment statistics which would affect budgetary
27 determinations;

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

1 (2) The governing boards of the respective colleges and
2 universities may waive tuition and services and activities fees for
3 full-time intercollegiate center for nursing education, cooperative
4 extension service, and agricultural research employees of Washington
5 State University for such employees stationed off the Pullman, Whitman
6 county campus: PROVIDED, That such waiver complies with the conditions
7 spelled out in subsection (1)(a), (b), and (c) above.

8 (3) The boards of regents of the state universities, the boards of
9 trustees of the regional universities and The Evergreen State College,
10 and the state board for community and technical colleges ~~((education))~~
11 with respect to community colleges, shall adopt guidelines for the
12 implementation of employee waivers granted pursuant to this section.

13 **Sec. 30.** RCW 28B.15.540 and 1985 c 390 s 29 are each amended to
14 read as follows:

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

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

24 (2) Waive the tuition and services and activities fees for students
25 who qualify under this section, but charge a nominal fee not to exceed
26 five dollars per quarter, or semester, as the case may be, for such
27 students who are enrolled on an audit basis: PROVIDED, That residents
28 enrolling with fee exemptions under this section shall register for not
29 more than two quarter or semester courses at one time on a space

1 available basis, and no new course sections shall be created as a
2 direct result of such registration: PROVIDED FURTHER, That such
3 waivers shall not be available to students who plan to use the course
4 credits gained thereby for increasing credentials or salary schedule
5 increases: PROVIDED FURTHER, That enrollment information concerning
6 fee exemptions awarded under this section shall be maintained
7 separately from other enrollment information but shall not be included
8 in official enrollment reports: PROVIDED, That persons who enroll
9 pursuant to provisions of this section shall not be considered for any
10 purpose in determining student-teacher ratio, nor for any purpose
11 relating to enrollment totals, nor any other statistic which would
12 affect budgetary determinations. Persons enrolling under the
13 provisions of this section shall have, in equal with all other
14 students, access to course counseling services and shall be subject to
15 all course prerequisite requirements.

16 **Sec. 31.** RCW 28B.15.730 and 1985 c 370 s 69 are each amended to
17 read as follows:

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

1 senior standing to attend Portland State University at the
2 undergraduate level.

3 (2) The state board for community and technical colleges
4 (~~education~~) and the boards of trustees of the state's community
5 colleges, The Evergreen State College, and the regional universities
6 and the boards of regents of the University of Washington and
7 Washington State University shall waive the payment of nonresident
8 tuition and fees by residents of Oregon, upon completion of and to the
9 extent permitted by an agreement between the higher education
10 coordinating board and appropriate officials and agencies in Oregon
11 granting similar waivers for residents of the state of Washington.

12 **Sec. 32.** RCW 28B.15.732 and 1985 c 370 s 70 are each amended to
13 read as follows:

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

1 in Oregon an amount determined by subtracting the net tuition and fee
2 revenue loss of Washington from the net tuition and fee revenue loss of
3 Oregon, minus twenty-five thousand dollars for each year of the
4 biennium: PROVIDED, That appropriate officials in the state of Oregon
5 agree to make similar restitution to the state of Washington should the
6 net tuition and fee revenue loss in Washington be greater than that in
7 Oregon.

8 **Sec. 33.** RCW 28B.15.740 and 1989 c 340 s 2 are each amended to
9 read as follows:

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

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

1 students at the discretion of the board of trustees or regents, except
2 on the basis of participation in intercollegiate athletic programs:
3 PROVIDED FURTHER, That the waivers for undergraduate and graduate
4 students of foreign nations under RCW 28B.15.556 are not subject to the
5 limitation under this section.

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

15 (a) First, to members of the underrepresented gender class who
16 participate in intercollegiate athletics, where such waivers result in
17 saved or displaced money that can be used for athletic programs for the
18 underrepresented gender class. Such saved or displaced money shall be
19 used for programs for the underrepresented gender class; and

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

1 **Sec. 34.** RCW 28B.15.750 and 1985 c 370 s 73 are each amended to
2 read as follows:

3 The state board for community and technical colleges ~~((education))~~
4 and the boards of trustees of the state's community colleges, The
5 Evergreen State College, and the regional universities and boards of
6 regents of the University of Washington and Washington State University
7 shall waive the payment of nonresident tuition and fees by residents of
8 Idaho, upon completion of and to the extent permitted by an agreement
9 between the higher education coordinating board and appropriate
10 officials and agencies in Idaho granting similar waivers for residents
11 of the state of Washington.

12 **Sec. 35.** RCW 28B.15.752 and 1985 c 370 s 74 are each amended to
13 read as follows:

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

1 in Idaho an amount determined by subtracting the net tuition and fee
2 revenue loss of Washington from the net tuition and fee revenue loss of
3 Idaho, minus twenty-five thousand dollars for each year of the biennium
4 if the appropriate officials in the state of Idaho agree to make
5 similar restitution to the state of Washington should the net tuition
6 and fee revenue loss in Washington be greater than that in Idaho.

7 **Sec. 36.** RCW 28B.15.756 and 1987 c 446 s 2 are each amended to
8 read as follows:

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

20 **Sec. 37.** RCW 28B.15.820 and 1985 c 390 s 35 are each amended to
21 read as follows:

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

1 (2) An "eligible student" for the purposes of this section is a
2 student registered for at least six credit hours or the equivalent, who
3 is eligible for resident tuition and fee rates as defined in RCW
4 28B.15.012 through 28B.15.015, and who is a "needy student" as defined
5 in RCW 28B.10.802.

6 (3) The amount of the loans made under subsection (1) of this
7 section shall not exceed the demonstrated financial need of the
8 student. Each institution shall establish loan terms and conditions
9 which shall be consistent with the terms of the guaranteed loan program
10 established by 20 U.S. Code Section 1071 et seq., as now or hereafter
11 amended. All loans made shall be guaranteed by the Washington student
12 loan guaranty association or its successor agency. Institutions are
13 hereby granted full authority to operate as an eligible lender under
14 the guaranteed loan program.

15 (4) Before approving a guaranteed loan, each institution shall
16 analyze the ability of the student to repay the loan based on factors
17 which include, but are not limited to, the student's accumulated total
18 education loan burdens and the employment opportunities and average
19 starting salary characteristics of the student's chosen fields of
20 study. The institution shall counsel the student on the advisability
21 of acquiring additional debt, and on the availability of other forms of
22 financial aid.

23 (5) Each institution is responsible for collection of loans made
24 under subsection (1) of this section and shall exercise due diligence
25 in such collection, maintaining all necessary records to insure that
26 maximum repayments are made. Institutions shall cooperate with other
27 lenders and the Washington student loan guaranty association, or its
28 successor agency, in the coordinated collection of guaranteed loans,
29 and shall assure that the guarantability of the loans is not violated.
30 Collection and servicing of loans under subsection (1) of this section

1 shall be performed by entities approved for such servicing by the
2 Washington student loan guaranty association or its successor agency:
3 PROVIDED, That institutions be permitted to perform such servicing if
4 specifically recognized to do so by the Washington student loan
5 guaranty association or its successor agency. Collection and servicing
6 of loans made by community colleges under subsection (1) of this
7 section shall be coordinated by the state board for community and
8 technical colleges ((education)) and shall be conducted under
9 procedures adopted by such state board.

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

21 (7) The boards of regents of the state universities, the boards of
22 trustees of the regional universities and The Evergreen State College,
23 and the state board for community and technical colleges ((education)),
24 on behalf of the community colleges, shall each adopt necessary rules
25 and regulations to implement this section.

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

1 (9) Short-term interim loans, not to exceed one hundred twenty
2 days, may be made from the institutional long-term loan fund to
3 students eligible for guaranteed student loans and whose receipt of
4 such loans is pending. Such short-term loans shall not be subject to
5 the guarantee restrictions or the constraints of federal law imposed by
6 subsection (3) of this section. No such loan shall be made to any
7 student who is known by the institution to be in default or delinquent
8 in the payment of any outstanding student loan.

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

22 **Sec. 38.** RCW 28B.16.020 and 1985 c 461 s 8 and 1985 c 365 s 2 are
23 each reenacted and amended to read as follows:

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

26 (1) "Institutions of higher education" are the University of
27 Washington, Washington State University, Central Washington University,
28 Eastern Washington University, Western Washington University, The
29 Evergreen State College, and the various state community colleges;

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

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

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

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

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

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

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

22 **Sec. 39.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
23 read as follows:

24 The following classifications, positions, and employees of
25 institutions of higher education and related boards are hereby exempted
26 from coverage of this chapter:

27 (1) Members of the governing board of each institution and related
28 boards, all presidents, vice presidents and their confidential
29 secretaries, administrative and personal assistants; deans, directors,

1 and chairmen; academic personnel; and executive heads of major
2 administrative or academic divisions employed by institutions of higher
3 education; and any employee of a community college district whose place
4 of work is one which is physically located outside the state of
5 Washington and who is employed pursuant to RCW 28B.50.092 and assigned
6 to an educational program operating outside of the state of Washington.

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

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

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

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

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

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

4 **Sec. 40.** RCW 28B.16.060 and 1984 c 287 s 63 are each amended to
5 read as follows:

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

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

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

28 (4) The board shall appoint a personnel director who shall be the
29 chief staff officer for the board. In preparing matters for

1 consideration by the board and in coordinating the implementation of
2 the board's rules and regulations, the personnel director shall work in
3 conjunction with the campus personnel officers and their staffs at each
4 institution of higher education, and in the case of community colleges,
5 with the state board for community and technical colleges
6 (~~(education)~~). When necessary, the personnel director may request the
7 creation of task forces drawn from the four-year institutions of higher
8 education, and representatives of the various state community colleges
9 through the state board for community and technical colleges
10 (~~(education)~~), for the accomplishment of any projects undertaken by the
11 board. The director may employ necessary personnel for the board, and
12 the board may appoint and compensate hearing officers to hear and
13 conduct appeals. The board shall establish an office for the conduct
14 of its business.

15 **Sec. 41.** RCW 28B.16.080 and 1969 ex.s. c 36 s 8 are each amended
16 to read as follows:

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

1 state department of personnel may also be utilized by the institutions
2 or related boards pursuant to RCW 41.06.080.

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

6 **Sec. 42.** RCW 28B.16.090 and 1969 ex.s. c 36 s 9 are each amended
7 to read as follows:

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

20 **Sec. 43.** RCW 28B.16.100 and 1990 c 60 s 202 are each amended to
21 read as follows:

22 The higher education personnel board shall adopt rules, consistent
23 with the purposes and provisions of this chapter and with the best
24 standards of personnel administration, regarding the basis and
25 procedures to be followed for:

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

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

7 (3) Examination for all positions in the competitive and
8 noncompetitive service;

9 (4) Appointments;

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

12 (6) Transfers;

13 (7) Sick leaves and vacations;

14 (8) Hours of work;

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

17 (10) Determination of appropriate bargaining units within any
18 institution or related boards: PROVIDED, That in making such
19 determination the board shall consider the duties, skills, and working
20 conditions of the employees, the history of collective bargaining by
21 the employees and their bargaining representatives, the extent of
22 organization among the employees, and the desires of the employees;

23 (11) Certification and decertification of exclusive bargaining
24 representatives: PROVIDED, That after certification of an exclusive
25 bargaining representative and upon the representative's request, the
26 director shall hold an election among employees in a bargaining unit to
27 determine by a majority whether to require as a condition of employment
28 membership in the certified exclusive bargaining representative on or
29 after the thirtieth day following the beginning of employment or the
30 date of such election, whichever is the later, and the failure of an

1 employee to comply with such condition of employment constitutes cause
2 for dismissal: PROVIDED FURTHER, That no more often than once in each
3 twelve-month period after expiration of twelve months following the
4 date of the original election in a bargaining unit and upon petition of
5 thirty percent of the members of a bargaining unit the director shall
6 hold an election to determine whether a majority wish to rescind such
7 condition of employment: PROVIDED FURTHER, That for purposes of this
8 clause, membership in the certified exclusive bargaining representative
9 is satisfied by the payment of monthly or other periodic dues and does
10 not require payment of initiation, reinstatement, or any other fees or
11 fines and includes full and complete membership rights: AND PROVIDED
12 FURTHER, That in order to safeguard the right of nonassociation of
13 public employees, based on bona fide religious tenets or teachings of
14 a church or religious body of which such public employee is a member,
15 such public employee shall pay to the union, for purposes within the
16 program of the union as designated by such employee that would be in
17 harmony with his or her individual conscience, an amount of money
18 equivalent to regular union dues minus any included monthly premiums
19 for union-sponsored insurance programs, and such employee shall not be
20 a member of the union but is entitled to all the representation rights
21 of a union member;

22 (12) Agreements between institutions or related boards and
23 certified exclusive bargaining representatives providing for grievance
24 procedures and collective negotiations on all personnel matters over
25 which the institution or the related board may lawfully exercise
26 discretion;

27 (13) Written agreements may contain provisions for payroll
28 deductions of employee organization dues upon authorization by the
29 employee member and for the cancellation of such payroll deduction by
30 the filing of a proper prior notice by the employee with the

1 institution and the employee organization: PROVIDED, That nothing
2 contained herein permits or grants to any employee the right to strike
3 or refuse to perform his or her official duties;

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

7 (15) Allocation and reallocation of positions within the
8 classification plan;

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

24 (17) Training programs including in-service, promotional, and
25 supervisory;

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

1 (19) Providing for veteran's preference as provided by existing
2 statutes, with recognition of preference in regard to layoffs and
3 subsequent reemployment for veterans and their widows by giving such
4 eligible veterans and their widows additional credit in computing their
5 seniority by adding to their unbroken higher education service, as
6 defined by the board, the veteran's service in the military not to
7 exceed five years of such service. For the purposes of this section,
8 "veteran" means any person who has one or more years of active military
9 service in any branch of the armed forces of the United States or who
10 has less than one year's service and is discharged with a disability
11 incurred in the line of duty or is discharged at the convenience of the
12 government and who, upon termination of such service, has received an
13 honorable discharge, a discharge for physical reasons with an honorable
14 record, or a release from active military service with evidence of
15 service other than that for which an undesirable, bad conduct, or
16 dishonorable discharge shall be given: PROVIDED, HOWEVER, That the
17 widow of a veteran is entitled to the benefits of this section
18 regardless of the veteran's length of active military service:
19 PROVIDED FURTHER, That for the purposes of this section "veteran" does
20 not include any person who has voluntarily retired with twenty or more
21 years of active military service and whose military retirement pay is
22 in excess of five hundred dollars per month;

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

27 (21) Assuring that any person who is or has been employed in a
28 classified position under this chapter will be eligible for employment,
29 reemployment, transfer, and promotion in respect to classified

1 positions at any other institution of higher education or related
2 board.

3 (22) Affirmative action in appointment, promotion, transfer,
4 recruitment, training, and career development; development and
5 implementation of affirmative action goals and timetables; and
6 monitoring of progress against those goals and timetables.

7 The board shall consult with the human rights commission in the
8 development of rules consistent with federal guidelines pertaining to
9 affirmative action. The board shall transmit a report annually to the
10 human rights commission which states the progress each institution of
11 higher education has made in meeting affirmative action goals and
12 timetables.

13 **Sec. 44.** RCW 28B.16.190 and 1969 ex.s. c 36 s 19 are each amended
14 to read as follows:

15 A disbursing officer shall not pay any employee holding a position
16 covered by this chapter unless the employment is in accordance with
17 this chapter or the rules, regulations, and orders issued hereunder.
18 The board and the institutions of higher education including the state
19 board for community and technical colleges (~~(education)~~) which shall
20 act for the various state community colleges shall jointly establish
21 procedures for the certification of payrolls.

22 **Sec. 45.** RCW 28B.16.200 and 1979 c 151 s 18 are each amended to
23 read as follows:

24 There is hereby created a fund within the state treasury,
25 designated as the "higher education personnel board service fund," to
26 be used by the board as a revolving fund for the payment of salaries,
27 wages, and operations required for the administration of the provisions
28 of this chapter, the budget for which shall be subject to review and

1 approval and appropriation by the legislature. An amount not to exceed
2 one-half of one percent of the salaries and wages for all positions in
3 the classified service shall be contributed from the operations
4 appropriations of each institution and the state board for community
5 and technical colleges (~~(education)~~) and credited to the higher
6 education personnel board service fund as such allotments are approved
7 pursuant to chapter 43.88 RCW. Subject to the above limitations, such
8 amount shall be charged against the allotments pro rata, at a rate to
9 be fixed by the director of financial management from time to time,
10 which will provide the board with funds to meet its anticipated
11 expenditures during the allotment period.

12 Moneys from the higher education personnel board service fund shall
13 be disbursed by the state treasurer by warrants on vouchers duly
14 authorized by the board.

15 **Sec. 46.** RCW 28B.50.030 and 1991 c 315 s 15 and 1991 c 238 s 22
16 are each reenacted and amended to read as follows:

17 As used in this chapter, unless the context requires otherwise, the
18 term:

19 (1) "System" shall mean the state system of community and technical
20 colleges, which shall be a system of higher education.

21 (2) "Board" shall mean the work force training and education
22 coordinating board.

23 (3) "College board" shall mean the state board for community and
24 technical colleges created by this chapter.

25 (4) "Director" shall mean the administrative director for the state
26 system of community and technical colleges.

27 (5) "District" shall mean any one of the community (~~(and)~~) college
28 or technical college districts created by this chapter.

1 (6) "Board of trustees" shall mean the local community ((and))
2 college or technical college board of trustees established for each
3 college district within the state.

4 (7) "Occupational education" shall mean that education or training
5 that will prepare a student for employment that does not require a
6 baccalaureate degree.

7 (8) "K-12 system" shall mean the public school program including
8 kindergarten through the twelfth grade.

9 (9) "Common school board" shall mean a public school district board
10 of directors.

11 (10) "Community college" shall include those higher education
12 institutions that conduct education programs under RCW 28B.50.020.

13 (11) "Technical college" shall include those higher education
14 institutions with the sole mission of conducting occupational
15 education, basic skills, literacy programs, and offering on short
16 notice, when appropriate, programs that meet specific industry needs.
17 The programs of technical colleges shall include, but not be limited
18 to, continuous enrollment, competency-based instruction, industry-
19 experienced faculty, curriculum integrating vocational and basic skills
20 education, and curriculum approved by representatives of employers and
21 labor. For purposes of this chapter, technical colleges shall include
22 Lake Washington Vocational-Technical Institute, Renton Vocational-
23 Technical Institute, Bates Vocational-Technical Institute, Clover Park
24 Vocational Institute, and Bellingham Vocational-Technical Institute.

25 (12) "Adult education" shall mean all education or instruction,
26 including academic, vocational education or training, basic skills and
27 literacy training, and "occupational education" provided by public
28 educational institutions, including common school districts for persons
29 who are eighteen years of age and over or who hold a high school
30 diploma or certificate. However, "adult education" shall not include

1 academic education or instruction for persons under twenty-one years of
2 age who do not hold a high school degree or diploma and who are
3 attending a public high school for the sole purpose of obtaining a high
4 school diploma or certificate, nor shall "adult education" include
5 education or instruction provided by any four year public institution
6 of higher education.

7 (13) "Dislocated forest product worker" shall mean a forest
8 products worker who: (a)(i) Has been terminated or received notice of
9 termination from employment and is unlikely to return to employment in
10 the individual's principal occupation or previous industry because of
11 a diminishing demand for his or her skills in that occupation or
12 industry; or (ii) is self-employed and has been displaced from his or
13 her business because of the diminishing demand for the business's
14 services or goods; and (b) at the time of last separation from
15 employment, resided in or was employed in a timber impact area.

16 (14) "Forest products worker" shall mean a worker in the forest
17 products industries affected by the reduction of forest fiber
18 enhancement, transportation, or production. The workers included
19 within this definition shall be determined by the employment security
20 department, but shall include workers employed in the industries
21 assigned the major group standard industrial classification codes "24"
22 and "26" and the industries involved in the harvesting and management
23 of logs, transportation of logs and wood products, processing of wood
24 products, and the manufacturing and distribution of wood processing and
25 logging equipment. The commissioner may adopt rules further
26 interpreting these definitions. For the purposes of this subsection,
27 "standard industrial classification code" means the code identified in
28 RCW 50.29.025(6)(c).

29 (15) "Timber impact area" shall mean a county having a population
30 of less than five hundred thousand, or a city or town located within a

1 county having a population of less than five hundred thousand, and
2 meeting two of the following three criteria, as determined by the
3 employment security department, for the most recent year such data is
4 available: (a) A lumber and wood products employment location quotient
5 at or above the state average; (b) projected or actual direct lumber
6 and wood products job losses of one hundred positions or more, except
7 counties having a population greater than two hundred thousand but less
8 than five hundred thousand must have direct lumber and wood products
9 job losses of one thousand positions or more; or (c) an annual
10 unemployment rate twenty percent or more above the state average.

11 **Sec. 47.** RCW 28B.50.258 and 1991 c 315 s 16 are each amended to
12 read as follows:

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

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

19 (2) Pilot projects for innovative approaches to literacy and
20 employment training. Pilot projects may include, but are not limited
21 to:

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

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

28 (c) Training through Skagit Valley Community College for dislocated
29 forest products workers in natural resources technical programs in

1 stream enhancement, including waters upstream or downstream as well as
2 adjacent to state lands; water quality enhancement; irrigation repair;
3 and the building of shellfish beds;

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

6 Nothing in subsection (2) of this section shall be construed to
7 provide priority for the projects listed in subsection (2) of this
8 section.

9 For the purposes of this section, the number of full-time
10 equivalent students to be served during any biennium shall be
11 determined by the applicable omnibus appropriations act and shall be in
12 addition to the community college enrollment level funded by the
13 applicable omnibus appropriations act.

14 **Sec. 48.** RCW 28B.50.259 and 1991 c 315 s 17 are each amended to
15 read as follows:

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

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

25 (b) Allocate funding to community and technical colleges attended
26 by participants;

27 (c) Monitor the program and report on participants' progress and
28 outcomes; and

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

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

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

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

15 **Sec. 49.** RCW 28B.80.280 and 1985 c 370 s 27 are each amended to
16 read as follows:

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

1 **Sec. 50.** RCW 28B.80.320 and 1985 c 370 s 3 are each amended to
2 read as follows:

3 The purpose of the board is to provide planning, coordination,
4 monitoring, and policy analysis for higher education in the state of
5 Washington in cooperation and consultation with the institutions'
6 autonomous governing boards and with all other segments of
7 postsecondary education, including but not limited to the state board
8 for community and technical colleges (~~(education)~~) and the (~~(commission~~
9 ~~for vocational education)~~) work force training and education
10 coordinating board. The legislature intends that the board represent
11 the broad public interest above the interests of the individual
12 colleges and universities.

13 **Sec. 51.** RCW 28B.80.330 and 1985 c 370 s 4 are each amended to
14 read as follows:

15 The board shall perform the following planning duties in
16 consultation with the four-year institutions, the community and
17 technical college system, and when appropriate the (~~(commission for~~
18 ~~vocational education)~~) work force training and education coordinating
19 board, (~~(the superintendent of public instruction for the vocational-~~
20 ~~technical institutes,)~~) and the independent higher educational
21 institutions:

22 (1) Develop and establish role and mission statements for each of
23 the four-year institutions and for the community and technical college
24 system;

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

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

1 (a) Assessments of the state's higher education needs. These
2 assessments may include, but are not limited to: The basic and
3 continuing needs of various age groups; business and industrial needs
4 for a skilled (~~workforce~~) work force; analyses of demographic,
5 social, and economic trends; consideration of the changing ethnic
6 composition of the population and the special needs arising from such
7 trends; college attendance, retention, and dropout rates, and the needs
8 of recent high school graduates and placebound adults. The board
9 should consider the needs of residents of all geographic regions, but
10 its initial priorities should be applied to heavily populated areas
11 underserved by public institutions;

12 (b) Recommendations on enrollment and other policies and actions to
13 meet those needs;

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

16 The initial plan shall be submitted to the governor and the
17 legislature by December 1, 1987. Comments on the plan from the board's
18 advisory committees and the institutions shall be submitted with the
19 plan.

20 The plan shall be updated biennially, and presented to the governor
21 and the appropriate legislative policy committees. Following public
22 hearings, the legislature shall, by concurrent resolution, approve or
23 recommend changes to the initial plan, and the biennial updates. The
24 plan shall then become state higher education policy unless legislation
25 is enacted to alter the policies set forth in the plan;

26 (4) Review, evaluate, and make recommendations on operating and
27 capital budget requests from four-year institutions and the community
28 and technical college system, based on the elements outlined in
29 subsections (1), (2), and (3) of this section, and on guidelines which
30 outline the board's fiscal priorities. These guidelines shall be

1 distributed to the institutions and the state board for community and
2 technical colleges (~~(board)~~) by December of each odd-numbered year.
3 The institutions and the community college board shall submit an
4 outline of their proposed budgets, identifying major components, to the
5 board no later than August 1 of each even-numbered year. The board
6 shall submit recommendations on the proposed budgets and on the board's
7 budget priorities to the office of financial management before October
8 15 of each even-numbered year, and to the legislature by January 1 of
9 each odd-numbered year;

10 (5) Recommend legislation affecting higher education;

11 (6) Recommend tuition and fees policies and levels based on
12 comparisons with peer institutions;

13 (7) Establish priorities and develop recommendations on financial
14 aid based on comparisons with peer institutions;

15 (8) Prepare recommendations on merging or closing institutions; and

16 (9) Develop criteria for identifying the need for new baccalaureate
17 institutions.

18 **Sec. 52.** RCW 28B.80.350 and 1988 c 172 s 4 are each amended to
19 read as follows:

20 The board shall coordinate educational activities among all
21 segments of higher education taking into account the educational
22 programs, facilities, and other resources of both public and
23 independent two and four-year colleges and universities. The four-year
24 institutions and the state board for community and technical colleges
25 (~~(education)~~) shall coordinate information and activities with the
26 board. The board shall have the following additional responsibilities:

27 (1) Promote interinstitutional cooperation;

28 (2) Establish minimum admission standards for four-year
29 institutions, including a requirement that coursework in sign language

1 shall satisfy any foreign language requirement the board or the
2 institutions may establish as a general undergraduate admissions
3 requirement;

4 (3) Establish transfer policies;

5 (4) Adopt rules implementing statutory residency requirements;

6 (5) Develop and administer reciprocity agreements with bordering
7 states and the province of British Columbia;

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

11 (7) Monitor higher education activities for compliance with all
12 relevant state policies for higher education;

13 (8) Arbitrate disputes between and among four-year institutions or
14 between and among four-year institutions and community colleges at the
15 request of one or more of the institutions involved, or at the request
16 of the governor, or from a resolution adopted by the legislature. The
17 decision of the board shall be binding on the participants in the
18 dispute;

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

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

24 (11) Make recommendations to increase minority participation, and
25 monitor and report on the progress of minority participation in higher
26 education.

27 **Sec. 53.** RCW 28B.80.430 and 1987 c 330 s 301 are each amended to
28 read as follows:

1 The board shall employ a director and may delegate agency
2 management to the director. The director shall serve at the pleasure
3 of the board, shall be the executive officer of the board, and shall,
4 under the board's supervision, administer the provisions of this
5 chapter. The executive director shall, with the approval of the board:
6 (1) Employ necessary deputy and assistant directors and other exempt
7 staff under chapter 28B.16 RCW who shall serve at his or her pleasure
8 on such terms and conditions as he or she determines and (2) subject to
9 the provisions of chapter 28B.16 RCW, appoint and employ such other
10 employees as may be required for the proper discharge of the functions
11 of the board. The executive director shall exercise such additional
12 powers, other than rulemaking, as may be delegated by the board by
13 resolution. In fulfilling the duties under this chapter, the board
14 shall make extensive use of those state agencies with responsibility
15 for implementing and supporting postsecondary education plans and
16 policies including but not limited to appropriate legislative groups,
17 the postsecondary education institutions, the office of financial
18 management, the ((~~commission for vocational education~~)) work force
19 training and education coordinating board, and the state board for
20 community and technical colleges ((~~education~~)). Outside consulting and
21 service agencies may also be employed. The board may compensate these
22 groups and consultants in appropriate ways.

23 **Sec. 54.** RCW 28B.80.555 and 1991 c 228 s 8 are each amended to
24 read as follows:

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

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

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

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

7 (4) Report the results of the survey, with recommendations on a
8 phased plan to meet identified needs in priority order, to the
9 governor, the house of representatives and senate higher education and
10 fiscal committees, and the institutions of higher education;

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

14 **Sec. 55.** RCW 28B.110.040 and 1989 c 341 s 4 are each amended to
15 read as follows:

16 The executive director of the higher education coordinating board,
17 in consultation with the council of presidents and the state board for
18 community and technical colleges ((~~education~~)), shall monitor the
19 compliance by institutions of higher education with this chapter.

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

22 (2) By September 30, 1990, each institution shall complete a self-
23 study on its compliance with the requirements listed in RCW
24 28B.110.030.

25 (3) By November 30, 1990, each institution shall submit to the
26 board for approval a plan to comply with the requirements of RCW
27 28B.110.030. The plan shall contain measures to ensure institutional
28 compliance with the provisions of this chapter by September 30, 1994.
29 If participation in activities, such as intercollegiate athletics and

1 matriculation in academic programs is not proportionate to the
2 percentages of male and female enrollment, the plan should outline
3 efforts to identify barriers to equal participation and to encourage
4 gender equity in all aspects of college and university life.

5 (4) The board shall report biennially, beginning December 31, 1990,
6 to the governor and the higher education committees of the house of
7 representatives and the senate on institutional efforts to comply with
8 this chapter. The report shall include recommendations on measures to
9 assist institutions with compliance.

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

13 **Sec. 56.** RCW 28B.115.050 and 1991 c 332 s 18 are each amended to
14 read as follows:

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

25 **Sec. 57.** RCW 28B.120.020 and 1991 c 98 s 3 are each amended to
26 read as follows:

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

- 1 (1) To adopt rules necessary to carry out the program;
- 2 (2) To establish one or more review committees to assist in the
3 evaluation of proposals for funding. The review committee shall
4 include individuals with significant experience in higher education in
5 areas relevant to one or more of the funding period priorities;
- 6 (3) To establish each biennium specific guidelines for submitting
7 grant proposals consistent with the overall goals of the program.
8 During the 1991-93 biennium the guidelines shall be consistent with the
9 following priorities: (a) Minority and diversity initiatives that
10 encourage the participation of minorities in higher education,
11 including students with disabilities, at a rate consistent with their
12 proportion of the population; (b) K-12 teacher preparation models that
13 encourage collaboration between higher education and K-12 to improve
14 the preparedness of teachers, including provisions for higher education
15 faculty involved with teacher preparation to spend time teaching in
16 K-12 schools; and (c) articulation and transfer activities to smooth
17 the transfer of students from K-12 to higher education, or from the
18 community colleges to four-year institutions. After June 30, 1993, and
19 each biennium thereafter, the board shall determine funding priorities
20 for collaborative proposals for the biennium in consultation with the
21 governor, the legislature, the office of the superintendent of public
22 instruction, the state board for community and technical colleges
23 ((education)), the ((~~state board for vocational education~~)) work force
24 training and education coordinating board, higher education
25 institutions, educational associations, and business and community
26 groups consistent with state-wide needs;
- 27 (4) To solicit grant proposals and provide information to the
28 institutions of higher education about the program; and
- 29 (5) To establish reporting, monitoring, and dissemination
30 requirements for the recipients of the grants.

1 **Sec. 58.** RCW 28B.125.010 and 1991 c 332 s 5 are each amended to
2 read as follows:

3 (1) The higher education coordinating board, the state board for
4 community and technical colleges ((education)), the superintendent of
5 public instruction, the state department of health, and the state
6 department of social and health services, to be known for the purposes
7 of this section as the committee, shall establish a state-wide health
8 personnel resource plan. The governor shall appoint a lead agency from
9 one of the agencies on the committee.

10 In preparing the state-wide plan the committee shall consult with
11 the training and education institutions affected by this chapter,
12 health care providers, employers of health care providers, insurers,
13 consumers of health care, and other appropriate entities.

14 Should a successor agency or agencies be authorized or created by
15 the legislature with planning, coordination, or administrative
16 authority over vocational-technical schools, community colleges, or
17 four-year higher education institutions, the governor shall grant
18 membership on the committee to such agency or agencies and remove the
19 member or members it replaces.

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

1 for assuring overall coordination, integration, and consistency of the
2 state-wide plan.

3 In establishing and implementing the state-wide health personnel
4 resource plan the committee shall, to the extent possible, utilize
5 existing data and information, personnel, equipment, and facilities and
6 shall minimize travel and take such other steps necessary to reduce the
7 administrative costs associated with the preparation and implementation
8 of the plan.

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

11 (a)(i) Identification of the type, number, and location of the
12 health care professional work force necessary to meet health care needs
13 of the state.

14 (ii) A description and analysis of the composition and numbers of
15 the potential work force available for meeting health care service
16 needs of the population to be used for recruitment purposes. This
17 should include a description of the data, methodology, and process used
18 to make such determinations.

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

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

29 (d) A description of how innovative, cost-effective technologies
30 such as telecommunications can and will be used to provide higher

1 education, vocational-technical, continued competency, and skill
2 maintenance and enhancement education and training to placebound
3 students who need flexible programs and who are unable to attend
4 institutions for training.

5 (e) A strategy for assuring higher education and vocational-
6 technical educational and training programming is sensitive to the
7 changing work force such as reentry workers, women, minorities, and the
8 disabled.

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

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

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

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

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

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

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

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

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

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

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

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

1 (r) A description of how the higher education coordinating board,
2 state board for community and technical colleges ((education)),
3 superintendent of public instruction, department of health, and
4 department of social and health services coordinated in the creation
5 and implementation of the state plan including the areas of
6 responsibility each agency shall assume. The plan should also include
7 a description of the steps taken to assure participation by the groups
8 that are to be consulted with.

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

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

18 (4) State agencies involved in the development and implementation
19 of the plan shall to the extent possible utilize existing personnel and
20 financial resources in the development and implementation of the state-
21 wide health personnel resource plan.

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

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

1 (7) Implementation of the state-wide plan shall begin by July 1,
2 1993.

3 (8) Notwithstanding subsections (5) and (7) of this section, the
4 committee shall prepare and submit to the higher education coordinating
5 board by June 1, 1992, the analysis necessary for the initial
6 implementation of the health professional loan repayment and
7 scholarship program created in chapter 28B.115 RCW.

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

16 The committee shall review and assess whether the institutional
17 plans meet the requirements of the state-wide health personnel resource
18 plan and shall prepare a report with its determination. The report
19 shall become part of the institutional plan and shall be submitted to
20 the governor and the legislature.

21 The institutional plan shall be included with the institution's
22 biennial budget submission. The institution's budget shall identify
23 proposed spending to meet the requirements of the institutional plan.
24 Each vocational-technical institution, college, or university shall be
25 responsible for implementing its institutional plan.

26 **Sec. 59.** RCW 28C.04.530 and 1987 c 231 s 2 are each amended to
27 read as follows:

28 (1) The (~~commission for vocational education or a successor~~
29 ~~agency~~) work force training and education coordinating board shall

1 have the responsibility for the development and administration of the
2 Washington award for vocational excellence program. The (~~commission~~
3 ~~or successor agency~~) board shall develop the program in consultation
4 with other state agencies and private organizations having interest and
5 responsibility in vocational education, including but not limited to:
6 The state board for community and technical colleges (~~education, the~~
7 ~~office of the superintendent of public instruction~~), a voluntary
8 professional association of vocational educators, and representatives
9 from business, labor, and industry.

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

16 **Sec. 60.** RCW 39.94.010 and 1989 c 356 s 1 are each amended to read
17 as follows:

18 The purposes of this chapter are to confirm the authority of the
19 state, its agencies, departments, and instrumentalities, the state
20 board for community and technical colleges (~~education~~), and the state
21 institutions of higher education to enter into contracts for the
22 acquisition of real and personal property which provide for payments
23 over a term of more than one year and to exclude such contracts from
24 the computation of indebtedness under RCW 39.42.060 and Article VIII,
25 section 1 of the state Constitution. It is further the purpose of this
26 chapter to permit the state, its agencies, departments, and
27 instrumentalities, the state board for community and technical colleges
28 (~~education~~), and the state institutions of higher education to enter
29 into financing contracts which make provision for the issuance of

1 certificates of participation and other financing structures.
2 Financing contracts, whether or not entered into under this chapter,
3 shall be subject to approval by the state finance committee except as
4 provided in this chapter.

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

6 **Sec. 61.** RCW 39.94.020 and 1990 c 47 s 3 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

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

7 (5) "State finance committee" means the state finance committee
8 under chapter 43.33 RCW.

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

11 **Sec. 62.** RCW 39.94.040 and 1989 c 356 s 4 are each amended to read
12 as follows:

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

23 (a) Consolidate existing or potential financing contracts into
24 master financing contracts with respect to property acquired by one or
25 more agencies, departments, instrumentalities of the state, the state
26 board for community and technical colleges (~~education~~), or a state
27 institution of higher learning;

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

1 (c) Enter into agreements with trustees relating to master
2 financing contracts; and

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

5 (2) In the performance of its duties under this chapter, the state
6 finance committee may consult with representatives from the department
7 of general administration, the office of financial management, and the
8 department of information services.

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

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

14 **Sec. 63.** RCW 41.04.665 and 1990 c 23 s 2 are each amended to read
15 as follows:

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

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

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

23 (ii) Terminate state employment;

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

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

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

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

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

7 (3) An employee who has an accrued annual leave balance of more
8 than ten days may request that the head of the agency for which the
9 employee works transfer a specified amount of annual leave to another
10 employee authorized to receive leave under subsection (1) of this
11 section. In no event may the employee request a transfer of an amount
12 of leave that would result in his or her annual leave account going
13 below ten days.

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

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

1 (6) Leave transferred under this section may be transferred from
2 employees of one agency to an employee of the same agency or, with the
3 approval of the heads of both agencies, to an employee of another state
4 agency. However, leave transferred to or from employees of school
5 districts or educational service districts is limited to transfers to
6 or from employees within the same employing district.

7 (7) While an employee is on leave transferred under this section,
8 he or she shall continue to be classified as a state employee and shall
9 receive the same treatment in respect to salary, wages, and employee
10 benefits as the employee would normally receive if using accrued annual
11 leave or sick leave.

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

16 (b) In the case of leave transferred by an employee of one agency
17 to an employee of another agency, the agencies involved shall arrange
18 for the transfer of funds and credit for the appropriate value of
19 leave.

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

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

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

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

4 (9) The value of any leave transferred under this section which
5 remains unused shall be returned at its original value to the employee
6 or employees who transferred the leave when the agency head finds that
7 the leave is no longer needed or will not be needed at a future time in
8 connection with the illness or injury for which the leave was
9 transferred. To the extent administratively feasible, the value of
10 unused leave which was transferred by more than one employee shall be
11 returned on a pro rata basis.

12 **Sec. 64.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to
13 read as follows:

14 The provisions of this chapter do not apply to:

15 (1) The members of the legislature or to any employee of, or
16 position in, the legislative branch of the state government including
17 members, officers, and employees of the legislative council,
18 legislative budget committee, statute law committee, and any interim
19 committee of the legislature;

20 (2) The justices of the supreme court, judges of the court of
21 appeals, judges of the superior courts or of the inferior courts, or to
22 any employee of, or position in the judicial branch of state
23 government;

24 (3) Officers, academic personnel, and employees of state
25 institutions of higher education, the state board for community and
26 technical colleges ((education)), and the higher education personnel
27 board;

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

29 (5) Elective officers of the state;

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

2 (7) In the departments of employment security, fisheries, social
3 and health services, the director and ((his)) the director's
4 confidential secretary; in all other departments, the executive head of
5 which is an individual appointed by the governor, the director, ((his))
6 the director's confidential secretary, and ((his)) the director's
7 statutory assistant directors;

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

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

12 (b) If the members of the board, commission, or committee serve on
13 a part-time basis and there is a statutory executive officer: (i) The
14 secretary of the board, commission, or committee; (ii) the chief
15 executive officer of the board, commission, or committee; and (iii) the
16 confidential secretary of the chief executive officer of the board,
17 commission, or committee;

18 (c) If the members of the board, commission, or committee serve on
19 a full-time basis: (i) The chief executive officer or administrative
20 officer as designated by the board, commission, or committee; and (ii)
21 a confidential secretary to the ((chairman)) chair of the board,
22 commission, or committee;

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

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

28 (10) Assistant attorneys general;

29 (11) Commissioned and enlisted personnel in the military service of
30 the state;

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

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

6 (14) Officers and employees of the Washington state fruit
7 commission;

8 (15) Officers and employees of the Washington state apple
9 advertising commission;

10 (16) Officers and employees of the Washington state dairy products
11 commission;

12 (17) Officers and employees of the Washington tree fruit research
13 commission;

14 (18) Officers and employees of the Washington state beef
15 commission;

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

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

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

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

24 (23) Liquor vendors appointed by the Washington state liquor
25 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules
26 and regulations adopted by the state personnel board pursuant to RCW
27 41.06.150 regarding the basis for, and procedures to be followed for,
28 the dismissal, suspension, or demotion of an employee, and appeals
29 therefrom shall be fully applicable to liquor vendors except those part
30 time agency vendors employed by the liquor control board when, in

1 addition to the sale of liquor for the state, they sell goods, wares,
2 merchandise, or services as a self-sustaining private retail business;

3 (24) Executive assistants for personnel administration and labor
4 relations in all state agencies employing such executive assistants
5 including but not limited to all departments, offices, commissions,
6 committees, boards, or other bodies subject to the provisions of this
7 chapter and this subsection shall prevail over any provision of law
8 inconsistent herewith unless specific exception is made in such law;

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

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

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

18 (28) In addition to the exemptions specifically provided by this
19 chapter, the state personnel board may provide for further exemptions
20 pursuant to the following procedures. The governor or other
21 appropriate elected official may submit requests for exemption to the
22 personnel board stating the reasons for requesting such exemptions.
23 The personnel board shall hold a public hearing, after proper notice,
24 on requests submitted pursuant to this subsection. If the board
25 determines that the position for which exemption is requested is one
26 involving substantial responsibility for the formulation of basic
27 agency or executive policy or one involving directing and controlling
28 program operations of an agency or a major administrative division
29 thereof, the personnel board shall grant the request and such
30 determination shall be final. The total number of additional

1 exemptions permitted under this subsection shall not exceed one hundred
2 eighty-seven for those agencies not directly under the authority of any
3 elected public official other than the governor, and shall not exceed
4 a total of twenty-five for all agencies under the authority of elected
5 public officials other than the governor. The state personnel board
6 shall report to each regular session of the legislature during an odd-
7 numbered year all exemptions granted under subsections (24), (25), and
8 (28) of this section, together with the reasons for such exemptions.

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

16 Any person holding a classified position subject to the provisions
17 of this chapter shall, when and if such position is subsequently
18 exempted from the application of this chapter, be afforded the
19 following rights: If such person previously held permanent status in
20 another classified position, such person shall have a right of
21 reversion to the highest class of position previously held, or to a
22 position of similar nature and salary.

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

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

1 **Sec. 65.** RCW 41.32.010 and 1991 c 343 s 3 and 1991 c 35 s 31 are
2 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (i) All salaries and wages paid by an employer to an employee
7 member of the retirement system for personal services rendered during
8 a fiscal year. In all cases where compensation includes maintenance
9 the employer shall fix the value of that part of the compensation not
10 paid in money.

11 (A) Retroactive payments to an individual by an employer on
12 reinstatement of the employee in a position, or payments by an employer
13 to an individual in lieu of reinstatement in a position which are
14 awarded or granted as the equivalent of the salary or wages which the
15 individual would have earned during a payroll period shall be
16 considered earnable compensation and the individual shall receive the
17 equivalent service credit.

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

1 (ii) For members employed less than full time under written
2 contract with a school district, or community or technical college
3 district, in an instructional position, for which the member receives
4 service credit of less than one year in all of the years used to
5 determine the earnable compensation used for computing benefits due
6 under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to
7 have earnable compensation defined as provided in RCW (~~41.32.011~~)
8 41.32.345. For the purposes of this subsection, the term
9 "instructional position" means a position in which more than seventy-
10 five percent of the member's time is spent as a classroom instructor
11 (including office hours), a librarian, or a counselor. Earnable
12 compensation shall be so defined only for the purpose of the
13 calculation of retirement benefits and only as necessary to insure that
14 members who receive fractional service credit under RCW 41.32.270
15 receive benefits proportional to those received by members who have
16 received full-time service credit.

17 (b) "Earnable compensation" for plan II members, means salaries or
18 wages earned by a member during a payroll period for personal services,
19 including overtime payments, and shall include wages and salaries
20 deferred under provisions established pursuant to sections 403(b),
21 414(h), and 457 of the United States Internal Revenue Code, but shall
22 exclude lump sum payments for deferred annual sick leave, unused
23 accumulated vacation, unused accumulated annual leave, or any form of
24 severance pay.

25 (i) Retroactive payments to an individual by an employer on
26 reinstatement of the employee in a position or payments by an employer
27 to an individual in lieu of reinstatement in a position which are
28 awarded or granted as the equivalent of the salary or wages which the
29 individual would have earned during a payroll period shall be

1 considered earnable compensation, to the extent provided above, and the
2 individual shall receive the equivalent service credit.

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

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

8 (B) Such member's actual earnable compensation received for
9 teaching and legislative service combined. Any additional
10 contributions to the retirement system required because compensation
11 earnable under (b)(ii)(A) of this subsection is greater than
12 compensation earnable under (b)(ii)(B) of this subsection shall be paid
13 by the member for both member and employer contributions.

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

16 (13) "Fiscal year" means a year which begins July 1st and ends June
17 30th of the following year.

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

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

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

28 (17) "Membership service" means service rendered subsequent to the
29 first day of eligibility of a person to membership in the retirement
30 system: PROVIDED, That where a member is employed by two or more

1 employers the individual shall receive no more than one service credit
2 month during any calendar month in which multiple service is rendered.
3 The provisions of this subsection shall apply only to plan I members.

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

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

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

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

17 (22) "Public school" means any institution or activity operated by
18 the state of Washington or any instrumentality or political subdivision
19 thereof employing teachers, except the University of Washington and
20 Washington State University.

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

25 (24) "Regular interest" means such rate as the director may
26 determine.

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

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

3 (26) "Retirement system" means the Washington state teachers'
4 retirement system.

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

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

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

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

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

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

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

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

7 Any person who is a member of the teachers' retirement system and
8 who is elected or appointed to a state elective position may continue
9 to be a member of the retirement system and continue to receive a
10 service credit month for each of the months in a state elective
11 position by making the required member contributions.

12 When an individual is employed by two or more employers the
13 individual shall only receive one month's service credit during any
14 calendar month in which multiple service for ninety or more hours is
15 rendered.

16 The department shall adopt rules implementing this subsection.

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

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

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

24 (31) "Teacher" means any person qualified to teach who is engaged
25 by a public school in an instructional, administrative, or supervisory
26 capacity. The term includes state, educational service district, and
27 school district superintendents and their assistants and all employees
28 certificated by the superintendent of public instruction; and in
29 addition thereto any full time school doctor who is employed by a

1 public school and renders service of an instructional or educational
2 nature.

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

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

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

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

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

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

19 (38) "Substitute teacher" means:

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

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

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

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

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

8 (d) The elected position of the superintendent of public
9 instruction is an eligible position.

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

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

16 **Sec. 66.** RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each
17 amended to read as follows:

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

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

28 (3) If the director is not able to bring the parties to agreement
29 by mediation within a reasonable time, ((he)) the director shall seek

1 to induce the parties to voluntarily seek other means of settling the
2 dispute without resort to strike or other coercion, including
3 submission to the employees in the bargaining unit of the employer's
4 last offer of settlement for approval or rejection in a secret ballot.
5 The failure or refusal of either party to agree to any procedure
6 suggested by the director shall not be deemed a violation of any duty
7 or obligation imposed by this chapter.

8 (4) Final adjustment by a method agreed upon by the parties is
9 declared to be the desirable method for settlement of grievance
10 disputes arising over the application or interpretation of an existing
11 collective bargaining agreement. The commission is directed to make
12 its mediation and fact-finding services available in the settlement of
13 such grievance disputes only as a last resort.

14 **Sec. 67.** RCW 43.19.1902 and 1979 c 151 s 97 are each amended to
15 read as follows:

16 There is hereby created a state supply management advisory board
17 which shall consist of twelve members as follows: The director of
18 general administration as (~~chairman~~) chair, and a representative from
19 each of the following eight state agencies, who shall be appointed by
20 the governor based upon recommendations of the head of the agency from
21 which the selection is made; the department of transportation, the
22 department of social and health services, the department of natural
23 resources, the University of Washington, Washington State University,
24 the state board for community and technical colleges (~~education~~), the
25 superintendent of public instruction, and the office of financial
26 management. In addition, three members shall be appointed by the
27 governor to the board from the private sector: PROVIDED, That special
28 care shall be exercised to select private sector representatives
29 without a conflict of interest involving sale, lease or rental of

1 property, material, supplies, equipment, commodities, or services to
2 the state of Washington. Members of the board shall serve without
3 additional compensation and at the pleasure of the governor, but shall
4 be reimbursed for subsistence, lodging, and travel expenses as provided
5 in chapter 43.03 RCW, as now or hereafter amended. Board members from
6 the private sector shall be reimbursed from appropriated funds
7 allocated to the division of purchasing. All other board members shall
8 be reimbursed from funds appropriated for their respective agencies.
9 Seven members of the board shall constitute a quorum. The board shall
10 meet upon call of the ((chairman)) chair and shall adopt rules and
11 regulations for the conduct of its business. The ((chairman)) chair
12 may appoint special committees for the study of specific subjects,
13 which special committees may include representatives of such other
14 state agencies as may be deemed appropriate.

15 **Sec. 68.** RCW 43.31.621 and 1991 c 314 s 4 are each amended to read
16 as follows:

17 (1) There is established the agency timber task force. The task
18 force shall be chaired by the timber recovery coordinator. It shall be
19 the responsibility of the coordinator that all directives of chapter
20 314, Laws of 1991 are carried out expeditiously by the agencies
21 represented in the task force. The task force shall consist of the
22 directors, or representatives of the directors, of the following
23 agencies: The department of trade and economic development, department
24 of community development, employment security department, department of
25 social and health services, state board for community and technical
26 colleges ((education)), state board for vocational education, or its
27 replacement entity, department of natural resources, department of
28 transportation, state energy office, department of wildlife, University
29 of Washington center for international trade in forest products, and

1 department of ecology. The task force may consult and enlist the
2 assistance of the following: The higher education coordinating board,
3 University of Washington college of forest resources, Washington State
4 University school of forestry, Northwest policy center, state
5 superintendent of public instruction, the Evergreen partnership,
6 Washington association of counties, and rural development council.

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

8 **Sec. 69.** RCW 43.220.060 and 1987 c 505 s 44 are each amended to
9 read as follows:

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

13 (a) Recruiting and employing staff and corps member leaders and
14 specialists;

15 (b) Adopting criteria for the selection of applicants to the
16 program from among the enrollees of the (~~youth employment exchange~~)
17 Washington service corps program;

18 (c) Executing agreements for furnishing the services of the
19 employment conservation program to carry out conservation corps
20 programs to any federal, state, or local public agency, any local
21 organization as specified in this chapter in concern with the overall
22 objectives of the conservation corps;

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

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

1 (f) Entering into agreements with community colleges within the
2 state's community and technical college system and other educational
3 institutions or independent nonprofit agencies to provide special
4 education in basic skills, including reading, writing, and mathematics
5 for those conservation corps members who may benefit by participation
6 in such classes. Classes shall be scheduled after corps working hours.
7 Participation by members is not mandatory but shall be strongly
8 encouraged. The participation shall be a primary factor in determining
9 whether the opportunity for corps membership beyond one year shall be
10 offered. Instruction related to the specific role of the department in
11 resource conservation shall also be offered, either in a classroom
12 setting or as is otherwise appropriate.

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

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

28 **Sec. 70.** RCW 50.38.030 and 1985 c 466 s 66 are each amended to
29 read as follows:

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

3 (1) Office of financial management;

4 (2) Department of trade and economic development;

5 (3) Department of labor and industries;

6 (4) State board for community and technical colleges ~~((education))~~;

7 (5) Superintendent of public instruction;

8 (6) Department of social and health services;

9 (7) Department of community development;

10 (8) ~~((Commission for vocational education))~~ Work force training and
11 education coordinating board; and

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

14 These agencies shall cooperate with the employment security
15 department, submitting information relevant to the generation of
16 occupational forecasts.

17 **Sec. 71.** RCW 50.65.030 and 1987 c 167 s 3 are each amended to read
18 as follows:

19 The Washington service corps is established within the employment
20 security department. The commissioner shall:

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

23 (2) Coordinate youth employment and training efforts under the
24 department's jurisdiction and cooperate with other agencies or
25 departments providing youth services to ensure that funds appropriated
26 for the purposes of this chapter will not be expended to duplicate
27 existing services, but will increase the services of youth to the
28 state;

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

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

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

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

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

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

24 (9) Match enrollees with appropriate public agencies and available
25 service projects;

26 (10) Monitor enrollee activities for compliance with this chapter
27 and compliance with work agreements;

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

1 (12) Establish a program for providing incentives to encourage
2 successful completion of terms of enrollment in the service corps and
3 the continuation of educational pursuits. Such incentives shall be in
4 the form of educational assistance;

5 (13) Enter into agreements with the state's community and technical
6 college system and other educational institutions or independent
7 nonprofit agencies to provide special education in basic skills,
8 including reading, writing, and mathematics for those participants who
9 may benefit by participation in such classes. Participation is not
10 mandatory but shall be strongly encouraged.

11 **Sec. 72.** RCW 51.08.012 and 1975 1st ex.s. c 224 s 2 are each
12 amended to read as follows:

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

15 (1) Approved by the state superintendent of public instruction, the
16 state board of education, the state board for community and technical
17 colleges ((education)), or the ((~~state division of vocational education~~
18 ~~of the coordinating council for occupational education~~)) work force
19 training and education coordinating board; or

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

24 **Sec. 73.** RCW 67.38.020 and 1982 1st ex.s. c 22 s 2 are each
25 amended to read as follows:

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

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

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

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

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

8 (5) "Municipality" means a port district, public school district
9 (~~(or)~~), community college district, or technical college district.

10 **Sec. 74.** RCW 67.38.050 and 1982 1st ex.s. c 22 s 5 are each
11 amended to read as follows:

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

1 Any member of the governing body, or any ex officio member, who is
2 not an elective official whose office is a full-time position may be
3 reimbursed for reasonable expenses actually incurred in attending
4 meetings or engaging in other district business as provided in RCW
5 42.24.090.

6 **Sec. 75.** RCW 70.120.020 and 1989 c 240 s 5 are each amended to
7 read as follows:

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

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

12 (b) A public educational program regarding the health effects of
13 air pollution emitted by motor vehicles; the purpose, operation, and
14 effect of emission control devices and systems; and the effect that
15 proper maintenance of motor vehicle engines has on fuel economy and air
16 pollution emission; and

17 (c) A public notification program identifying the geographic areas
18 of the state that are designated as being noncompliance areas and
19 emission contributing areas and describing the requirements imposed
20 under this chapter for those areas.

21 (2)(a) The department, the superintendent of public instruction,
22 and the state board for community and technical colleges (~~(education)~~)
23 shall develop cooperatively, after consultation with automotive trades
24 joint apprenticeship committees approved in accordance with RCW
25 49.04.040, a program for granting certificates of instruction to
26 persons who successfully complete a course of study, under general
27 requirements established by the director, in the maintenance of motor
28 vehicle engines, the use of engine and exhaust analysis equipment, and
29 the repair and maintenance of emission control devices. The director

1 may establish and implement procedures for granting certification to
2 persons who successfully complete other training programs or who have
3 received certification from private organizations which meet the
4 requirements established in this subsection.

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

8 **Sec. 76.** RCW 70.180.110 and 1990 c 271 s 15 are each amended to
9 read as follows:

10 (1) The department, in consultation with at least the higher
11 education coordinating board, the state board for community and
12 technical colleges ((education)), the superintendent of public
13 instruction, and state-supported education programs in medicine,
14 pharmacy, and nursing, shall develop a plan for increasing rural
15 training opportunities for students in medicine, pharmacy, and nursing.
16 The plan shall provide for direct exposure to rural health professional
17 practice conditions for students planning careers in medicine,
18 pharmacy, and nursing.

19 (2) The department and the medical, pharmacy, and nurse education
20 programs shall:

21 (a) Inventory existing rural-based clinical experience programs,
22 including internships, clerkships, residencies, and other training
23 opportunities available to students pursuing degrees in nursing,
24 pharmacy, and medicine;

25 (b) Identify where training opportunities do not currently exist
26 and are needed;

27 (c) Develop recommendations for improving the availability of rural
28 training opportunities;

1 (d) Develop recommendations on establishing agreements between
2 education programs to assure that all students in medical, pharmacist,
3 and nurse education programs in the state have access to rural training
4 opportunities; and

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

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

11 **Sec. 77.** RCW 76.15.010 and 1991 c 179 s 3 are each amended to read
12 as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

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

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

19 (3) "Community and urban forest" is that land in and around human
20 settlements ranging from small communities to metropolitan areas,
21 occupied or potentially occupied by trees and associated vegetation.
22 Community and urban forest land may be planted or unplanted, used or
23 unused, and includes public and private lands, lands along
24 transportation and utility corridors, and forested watershed lands
25 within populated areas.

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

1 (5) "Municipality" means a city, town, port district, public school
2 district, community college district, technical college district,
3 irrigation district, weed control district, park district, or other
4 political subdivision of the state.

5 NEW SECTION. **Sec. 78.** Section 75 of this act shall expire
6 January 1, 1993.