

EHB 1237 - S COMM AMD  
By Committee on Labor & Commerce

ADOPTED 02/27/2018

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

15 (1) At the conclusion of any negotiation processes as provided  
16 for in RCW 28B.52.030, any matter upon which the parties have reached  
17 agreement shall be reduced to writing and acted upon in a regular or  
18 special meeting of the boards of trustees, and become part of the  
19 official proceedings of said board meeting. Except as provided in  
20 this section, provisions of written contracts relating to salary  
21 increases shall not exceed the amount or percentage established by  
22 the legislature in the appropriations act and allocated to the board  
23 of trustees by the state board for community and technical colleges.

24 (2) The written agreement acted upon by a board of trustees must  
25 be submitted to the director of the office of financial management by  
26 October 1 prior to the fiscal year in which the provisions of the  
27 agreement go into effect. The length of term of any such agreement  
28 shall be for not more than three fiscal years. (~~Any provisions of~~  
29 ~~these agreements pertaining to salary increases will not be binding~~  
30 ~~upon future actions of the legislature.~~) If any provision of a  
31 salary increase is changed by subsequent modification of the

1 appropriations act by the legislature, both parties shall immediately  
2 enter into collective bargaining for the sole purpose of arriving at  
3 a mutually agreed upon replacement for the modified provision. A  
4 board of trustees may provide additional compensation to academic  
5 employees that exceeds that provided by the legislature.

6 **Sec. 3.** RCW 28B.50.140 and 2016 1st sp.s. c 33 s 3 are each  
7 amended to read as follows:

8 Each board of trustees:

9 (1) Shall operate all existing community and technical colleges  
10 in its district;

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

14 (3) Shall employ for a period to be fixed by the board a college  
15 president for each community and technical college and, may appoint a  
16 president for the district, and fix their duties and compensation,  
17 which may include elements other than salary. Compensation under this  
18 subsection shall not affect but may supplement retirement, health  
19 care, and other benefits that are otherwise applicable to the  
20 presidents as state employees. The board shall also employ for a  
21 period to be fixed by the board members of the faculty and such other  
22 administrative officers and other employees as may be necessary or  
23 appropriate and fix their salaries and duties. Except (~~for~~  
24 ~~increments provided with local resources during the 2015-2017 fiscal~~  
25 ~~biennium~~) as provided for academic employees in RCW 28B.52.035 and  
26 technical college classified employees under chapter 41.56 RCW,  
27 compensation and salary increases under this subsection shall not  
28 exceed the amount or percentage established for those purposes in the  
29 state appropriations act by the legislature as allocated to the board  
30 of trustees by the state board for community and technical colleges.  
31 The state board for community and technical colleges shall adopt  
32 rules defining the permissible elements of compensation under this  
33 subsection;

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

1 (5) May establish or lease, operate, equip and maintain  
2 dormitories, food service facilities, bookstores and other self-  
3 supporting facilities connected with the operation of the community  
4 and technical college;

5 (6) May, with the approval of the college board, borrow money and  
6 issue and sell revenue bonds or other evidences of indebtedness for  
7 the construction, reconstruction, erection, equipping with permanent  
8 fixtures, demolition and major alteration of buildings or other  
9 capital assets, and the acquisition of sites, rights-of-way,  
10 easements, improvements or appurtenances, for dormitories, food  
11 service facilities, and other self-supporting facilities connected  
12 with the operation of the community and technical college in  
13 accordance with the provisions of RCW 28B.10.300 through 28B.10.330  
14 where applicable;

15 (7) May establish fees and charges for the facilities authorized  
16 hereunder, including reasonable rules and regulations for the  
17 government thereof, not inconsistent with the rules of the college  
18 board; each board of trustees operating a community and technical  
19 college may enter into agreements, subject to rules of the college  
20 board, with owners of facilities to be used for housing regarding the  
21 management, operation, and government of such facilities, and any  
22 board entering into such an agreement may:

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

25 (b) Employ necessary employees to govern, manage and operate the  
26 same;

27 (8) May receive such gifts, grants, conveyances, devises and  
28 bequests of real or personal property from private sources, as may be  
29 made from time to time, in trust or otherwise, whenever the terms and  
30 conditions thereof will aid in carrying out the community and  
31 technical college programs as specified by law and the rules of the  
32 state college board; sell, lease or exchange, invest or expend the  
33 same or the proceeds, rents, profits and income thereof according to  
34 the terms and conditions thereof; and adopt rules to govern the  
35 receipt and expenditure of the proceeds, rents, profits and income  
36 thereof;

37 (9) May establish and maintain night schools whenever in the  
38 discretion of the board of trustees it is deemed advisable, and  
39 authorize classrooms and other facilities to be used for summer or  
40 night schools, or for public meetings and for any other uses

1 consistent with the use of such classrooms or facilities for  
2 community and technical college purposes;

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

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

9 (12) May grant to every student, upon graduation or completion of  
10 a course of study, a suitable diploma, degree, or certificate under  
11 the rules of the state board for community and technical colleges  
12 that are appropriate to their mission. The purposes of these  
13 diplomas, certificates, and degrees are to lead individuals directly  
14 to employment in a specific occupation or prepare individuals for a  
15 bachelor's degree or beyond. Technical colleges may only offer  
16 transfer degrees that prepare students for bachelor's degrees in  
17 professional fields, subject to rules adopted by the college board.  
18 In adopting rules, the college board, where possible, shall create  
19 consistency between community and technical colleges and may address  
20 issues related to tuition and fee rates; tuition waivers; enrollment  
21 counting, including the use of credits instead of clock hours; degree  
22 granting authority; or any other rules necessary to offer the  
23 associate degrees that prepare students for transfer to bachelor's  
24 degrees in professional areas. Only colleges under RCW 28B.50.810 or  
25 28B.50.825 may award baccalaureate degrees. The board, upon  
26 recommendation of the faculty, may also confer honorary associate of  
27 arts degrees, or if it is authorized to award baccalaureate degrees  
28 may confer honorary bachelor of applied science degrees, upon persons  
29 other than graduates of the community college, in recognition of  
30 their learning or devotion to education, literature, art, or science.  
31 No degree may be conferred in consideration of the payment of money  
32 or the donation of any kind of property;

33 (13) Shall enforce the rules prescribed by the state board for  
34 community and technical colleges for the government of community and  
35 technical colleges, students and teachers, and adopt such rules and  
36 perform all other acts not inconsistent with law or rules of the  
37 state board for community and technical colleges as the board of  
38 trustees may in its discretion deem necessary or appropriate to the  
39 administration of college districts: PROVIDED, That such rules shall  
40 include, but not be limited to, rules relating to housing,

1 scholarships, conduct at the various community and technical college  
2 facilities, and discipline: PROVIDED, FURTHER, That the board of  
3 trustees may suspend or expel from community and technical colleges  
4 students who refuse to obey any of the duly adopted rules;

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

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

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

23 (17) Notwithstanding any other provision of law, may offer  
24 educational services on a contractual basis, charging tuition and  
25 fees as set forth in chapter 28B.15 RCW, counting such enrollments  
26 for state funding purposes, and may additionally charge a special  
27 supplemental fee when necessary to cover the full instructional costs  
28 of such services: PROVIDED, That such contracts shall be subject to  
29 review by the state board for community and technical colleges and to  
30 such rules as the state board may adopt for that purpose in order to  
31 assure that the sum of the supplemental fee and the normal state  
32 funding shall not exceed the projected total cost of offering the  
33 educational service: PROVIDED FURTHER, That enrollments generated by  
34 courses offered on the basis of contracts requiring payment of a  
35 share of the normal costs of the course will be discounted to the  
36 percentage provided by the college;

37 (18) Shall be authorized to pay dues to any association of  
38 trustees that may be formed by the various boards of trustees; such  
39 association may expend any or all of such funds to submit biennially,  
40 or more often if necessary, to the governor and to the legislature,

1 the recommendations of the association regarding changes which would  
2 affect the efficiency of such association;

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

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

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

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16 On page 1, line 3 of the title, after "colleges;" strike the  
17 remainder of the title and insert "amending RCW 28B.52.035 and  
18 28B.50.140; and creating a new section."

EFFECT: Adds an intent section. Adds reference to technical college classified employees that collectively bargain under the Public Employees' Collective Bargaining Act to the list of community and technical college employees whose salary increases and compensation may exceed the amount appropriated by the legislature.

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