
HOUSE BILL 1757

State of Washington

54th Legislature

1995 Regular Session

By Representatives Ebersole and Benton

Read first time 02/07/95. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; adding a new section to
2 chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; creating new
3 sections; repealing RCW 28B.20.100, 28B.20.105, 28B.20.110, 28B.20.130,
4 28B.30.100, 28B.30.120, 28B.30.125, 28B.30.130, 28B.30.135, 28B.30.150,
5 28B.35.100, 28B.35.105, 28B.35.110, 28B.35.120, 28B.40.100, 28B.40.105,
6 28B.40.110, and 28B.40.120; providing effective dates; and declaring an
7 emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that Washington faces
10 significant challenges in the coming years in its attempt to provide
11 its residents with access to higher education. Washington's economy is
12 in the process of a radical transformation from an economy heavily
13 dependent on natural resources to an economy that depends increasingly
14 on the strength of international trade, technology industries, and
15 other emerging new businesses. Successful economic transformations
16 will require an educated populace, able to compete in a technologically
17 complex world. Yet, during the 1980's and 1990's enrollments in
18 Washington's public baccalaureate institutions have been strictly
19 controlled. Currently, Washington ranks second to last nationally in

1 the percentage of its citizens who have an opportunity to enroll in a
2 public baccalaureate college or university. By the year 2010, high
3 school graduation classes in Washington will grow by fifty percent
4 above the number of students graduating in 1995. Yet, the state has
5 not yet made a commitment to providing enrollment opportunities for
6 those new high school graduates. Failure to provide postsecondary
7 educational opportunities for those graduates may well restrict their
8 future earning power as well as the state's economic health.

9 The legislature finds that the governance structure of Washington's
10 baccalaureate universities and colleges needs to be revised to assist
11 the institutions to meet the challenges facing the state in the coming
12 years. The legislature also finds that the governance structure of the
13 community and technical colleges provides an excellent model for the
14 baccalaureate institutions. The state-wide board leading community and
15 technical colleges has helped to ensure that system needs are met while
16 each individual college in the system seeks to ensure that the needs of
17 its local community are met. The legislature intends to unify and
18 strengthen the public baccalaureate universities and colleges by
19 creating a consolidated governing board for them. The board will be
20 able to advocate for the needs of the baccalaureate system while the
21 institutions concentrate on meeting the needs of students,
22 institutional personnel, and members of the communities served by the
23 institutions.

24 NEW SECTION. **Sec. 2.** Unless the context clearly requires
25 otherwise, the definitions in this section apply throughout this
26 chapter.

27 (1) "Board" means the board of regents of the Washington state
28 system of baccalaureate and graduate education.

29 (2) "System" means the Washington state system of baccalaureate and
30 graduate education.

31 NEW SECTION. **Sec. 3.** The Washington state system of baccalaureate
32 and graduate education is created. The system shall include, but need
33 not be limited to: The University of Washington, Washington State
34 University, Central Washington University, Eastern Washington
35 University, The Evergreen State College, Western Washington University,
36 and the branch campuses and extension centers of each of the
37 universities and the state college.

1 NEW SECTION. **Sec. 4.** The governance of the Washington state
2 system of baccalaureate and graduate education shall be vested in a
3 board of regents consisting of fifteen members. Members shall be
4 appointed by the governor with the consent of the senate, and shall
5 hold their offices for a term of six years from the first day of
6 October and until their successors are appointed and qualified. Eight
7 members of the board shall constitute a quorum for the transaction of
8 business. In the case of a vacancy, or when an appointment is made
9 after the date of the expiration of a term, the governor shall fill the
10 vacancy for the remainder of the term of the regent whose office has
11 become vacant or expired. No more than the terms of three members may
12 expire simultaneously on the last day of September in any one year.

13 NEW SECTION. **Sec. 5.** The board may organize by electing from its
14 membership a president and an executive committee. If an executive
15 committee is appointed, the president shall be ex officio chair. The
16 board may adopt bylaws or rules for its own government. The board
17 shall hold regular meetings, at least quarterly, and during the interim
18 between such meetings the executive committee may transact business for
19 the whole board. The executive committee may call special meetings of
20 the whole board when such action is deemed necessary.

21 NEW SECTION. **Sec. 6.** (1) The board shall ensure that a record of
22 all board proceedings is carefully preserved.

23 (2) The board may appoint a secretary and a treasurer who shall
24 hold their respective offices during the pleasure of the board and
25 carry out such respective duties as the board prescribes.

26 (3) If appointed, the treasurer shall give bond for the faithful
27 performance of the duties of his or her office in such amount as the
28 regents may require. The university shall pay the fee for such bond.

29 NEW SECTION. **Sec. 7.** The general powers and duties of the board
30 shall be as follows:

31 (1) To have full control of the system and its money and property
32 of various kinds, except as otherwise provided by law;

33 (2) To employ a chancellor for the system, a chief operating
34 officer or president for each campus of the system, assistants, members
35 of the faculty, and employees of each institution of higher education,

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

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

11 (4) To establish such colleges, schools, or departments necessary
12 to carry out the purposes of the system and not otherwise proscribed by
13 law;

14 (5) With the assistance of the faculty of the system, to prescribe
15 the course of study in the various colleges, schools, and departments
16 of each campus of the system and publish the necessary catalogues
17 thereof;

18 (6) To grant to students such certificates or degrees as
19 recommended for such students by the faculty. The board, upon
20 recommendation of the faculty, may also confer honorary degrees upon
21 persons other than graduates of the system in recognition of their
22 learning or devotion to literature, art, or science, however no degree
23 may ever be conferred in consideration of the payment of money or the
24 giving of property of whatsoever kind;

25 (7) To accept such gifts, grants, conveyances, bequests, and
26 devises, whether real or personal property, or both, in trust or
27 otherwise, for the use or benefit of the system, its campuses, its
28 colleges, schools, departments, or agencies; and sell, lease or
29 exchange, invest, or expend the same or the proceeds, rents, profits,
30 and income thereof except as limited by the terms of the gifts, grants,
31 conveyances, bequests, and devises. The board shall adopt proper rules
32 to govern and protect the receipt and expenditure of the proceeds of
33 all fees, and the proceeds, rents, profits, and income of all gifts,
34 grants, conveyances, bequests, and devises accepted under this
35 subsection, and shall make full report of the same in the customary
36 biennial report to the governor and members of the legislature, or more
37 frequently if required by law;

1 (8) Except as otherwise provided by law, to enter into such
2 contracts as the regents deem essential to the purposes of the system
3 and its campuses;

4 (9) To submit upon request such reports as will be helpful to the
5 governor and to the legislature in providing for the system; and

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

11 NEW SECTION. **Sec. 8.** In addition to the duties in sections 5
12 through 7 of this act, the board shall have the following additional
13 duties for Washington State University and its branch campuses:

14 (1) To collect such information as the board deems desirable as to
15 the schemes of technical instruction adopted in other parts of the
16 United States and foreign countries;

17 (2) To provide for holding agricultural institutes including farm
18 marketing forums;

19 (3) To provide that instruction, as far as practicable, be conveyed
20 by means of laboratory work and provide one or more physical, chemical,
21 and biological laboratories, and suitably furnish and equip the
22 laboratories;

23 (4) To provide training in military tactics for those students
24 electing to participate in military tactics;

25 (5) To establish a department of elementary science and in
26 connection therewith provide instruction in elementary mathematics,
27 including elementary trigonometry, elementary mechanics, elementary and
28 mechanical drawing, and land surveying;

29 (6) To establish a department of agriculture and in connection
30 therewith provide instruction in physics with special application of
31 its principles to agriculture, chemistry with special application of
32 its principles to agriculture, morphology and physiology of plants with
33 special reference to common grown crops and fungus enemies, morphology
34 and physiology of the lower forms of animal life, with special
35 reference to insect pests, morphology and physiology of the higher
36 forms of animal life and in particular of the horse, cow, sheep, and
37 swine, agriculture with special reference to the breeding and feeding
38 of livestock and the best mode of cultivation of farm produce, and

1 mining and metallurgy, appointing demonstrators in each of these
2 subjects to superintend the equipment of a laboratory and to give
3 practical instruction therein;

4 (7) To establish agricultural experiment stations in connection
5 with the department of agriculture, including at least one in the
6 western portion of the state, and appoint the officers and prescribe
7 rules for their management;

8 (8) To receive and expend the money appropriated under the act of
9 congress approved May 8, 1914, entitled "An Act to provide for
10 cooperative agricultural extension work between the agricultural
11 colleges in the several States receiving the benefits of the Act of
12 Congress approved July 2, 1862, and Acts supplemental thereto and the
13 United States Department of Agriculture" and organize and conduct
14 agricultural extension work in accordance with the terms and conditions
15 expressed in the acts of congress;

16 (9) To acquire by lease, gift, or otherwise, lands necessary to
17 further the work of the system or for experimental or demonstrational
18 purposes;

19 (10) To establish and maintain at least one agricultural experiment
20 station in an irrigation district to conduct investigational work upon
21 the principles and practices of irrigational agriculture including the
22 use of water and its relation to soil types, crops, climatic
23 conditions, ditch and drain construction, fertility investigations,
24 plant disease, insect pests, marketing, farm management, use of fruit
25 byproducts, and general development of agriculture under irrigation
26 conditions;

27 (11) To supervise and control the agricultural experiment station
28 at Puyallup;

29 (12) To establish and maintain at Wenatchee an agricultural
30 experiment substation for the purpose of conducting investigational
31 work upon the principles and practices of orchard culture, spraying,
32 fertilization, pollenization, new fruit varieties, fruit diseases and
33 pests, byproducts, marketing, management, and general horticultural
34 problems; and

35 (13) To construct when the board so determines a new foundry and a
36 mining, physical, technological building and fabrication shop, or add
37 to the present foundry and other buildings, in order that both
38 instruction and research be expanded to include permanent molding and
39 die casting with a section for new fabricating techniques, especially

1 for light metals, including magnesium and aluminum; purchase equipment
2 for the shops and laboratories in mechanical, electrical, and civil
3 engineering; establish a pilot plant for the extraction of alumina from
4 native clays and other possible light metal research; purchase
5 equipment for a research laboratory for technological research
6 generally; and purchase equipment for research in electronics,
7 instrumentation, energy sources, plastics, food technology, mechanics
8 of materials, hydraulics, and similar fields.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 28B.10 RCW
10 to read as follows:

11 (1) The governing boards of the University of Washington,
12 Washington State University, the regional universities, and The
13 Evergreen State College are hereby abolished and their powers, duties,
14 and functions are hereby transferred to the board of regents of the
15 Washington state system of baccalaureate and graduate education. All
16 references to the trustees, regents, or the governing boards of the
17 University of Washington, Washington State University, the regional
18 universities, and The Evergreen State College in the Revised Code of
19 Washington shall be construed to mean the board of regents of the
20 Washington state system of baccalaureate and graduate education.

21 (2)(a) All reports, documents, surveys, books, records, files,
22 papers, or written material in the possession of the governing boards
23 of the University of Washington, Washington State University, the
24 regional universities, and The Evergreen State College shall be
25 delivered to the custody of the board of regents of the Washington
26 state system of baccalaureate and graduate education. All cabinets,
27 furniture, office equipment, motor vehicles, and other tangible
28 property employed by the governing boards of the University of
29 Washington, Washington State University, the regional universities, and
30 The Evergreen State College shall be made available to the board of
31 regents of the Washington state system of baccalaureate and graduate
32 education. All funds, credits, or other assets held by the governing
33 boards of the University of Washington, Washington State University,
34 the regional universities, and The Evergreen State College shall be
35 assigned to the board of regents of the Washington state system of
36 baccalaureate and graduate education.

37 (b) Any appropriations made to the governing boards of the
38 University of Washington, Washington State University, the regional

1 universities, and The Evergreen State College shall, on the effective
2 date of this section, be transferred and credited to the board of
3 regents of the Washington state system of baccalaureate and graduate
4 education.

5 (c) If any question arises as to the transfer of any personnel,
6 funds, books, documents, records, papers, files, equipment, or other
7 tangible property used or held in the exercise of the powers and the
8 performance of the duties and functions transferred, the director of
9 financial management shall make a determination as to the proper
10 allocation and certify the same to the state agencies concerned.

11 (3) All employees of the governing boards of the University of
12 Washington, Washington State University, the regional universities, and
13 The Evergreen State College are transferred to the jurisdiction of the
14 board of regents of the Washington state system of baccalaureate and
15 graduate education. All employees classified under chapter 41.06 RCW,
16 the state civil service law, are assigned to the board of regents of
17 the Washington state system of baccalaureate and graduate education to
18 perform their usual duties upon the same terms as formerly, without any
19 loss of rights, subject to any action that may be appropriate
20 thereafter in accordance with the laws and rules governing state civil
21 service.

22 (4) All rules and all pending business before the governing boards
23 of the University of Washington, Washington State University, the
24 regional universities, and The Evergreen State College shall be
25 continued and acted upon by the board of regents of the Washington
26 state system of baccalaureate and graduate education. All existing
27 contracts and obligations shall remain in full force and shall be
28 performed by the board of regents of the Washington state system of
29 baccalaureate and graduate education.

30 (5) The transfer of the powers, duties, functions, and personnel of
31 the governing boards of the University of Washington, Washington State
32 University, the regional universities, and The Evergreen State College
33 shall not affect the validity of any act performed before the effective
34 date of this section.

35 (6) If apportionments of budgeted funds are required because of the
36 transfers directed by this section, the director of financial
37 management shall certify the apportionments to the agencies affected,
38 the state auditor, and the state treasurer. Each of these shall make

1 the appropriate transfer and adjustments in funds and appropriation
2 accounts and equipment records in accordance with the certification.

3 (7) Nothing contained in this section may be construed to alter any
4 existing collective bargaining unit or the provisions of any existing
5 collective bargaining agreement until the agreement has expired or
6 until the bargaining unit has been modified by action of the personnel
7 board as provided by law.

8 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 28B.20.100 and 1985 c 61 s 1, 1979 ex.s. c 103 s 2, 1973 c
11 62 s 7, & 1969 ex.s. c 223 s 28B.20.100;

12 (2) RCW 28B.20.105 and 1969 ex.s. c 223 s 28B.20.105;

13 (3) RCW 28B.20.110 and 1969 ex.s. c 223 s 28B.20.110;

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

16 (5) RCW 28B.30.100 and 1985 c 61 s 2, 1979 ex.s. c 103 s 3, 1973 c
17 62 s 10, & 1969 ex.s. c 223 s 28B.30.100;

18 (6) RCW 28B.30.120 and 1979 ex.s. c 103 s 6 & 1969 ex.s. c 223 s
19 28B.30.120;

20 (7) RCW 28B.30.125 and 1969 ex.s. c 223 s 28B.30.125;

21 (8) RCW 28B.30.130 and 1969 ex.s. c 223 s 28B.30.130;

22 (9) RCW 28B.30.135 and 1969 ex.s. c 223 s 28B.30.135;

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

25 (11) RCW 28B.35.100 and 1985 c 137 s 1, 1979 ex.s. c 103 s 4, &
26 1977 ex.s. c 169 s 45;

27 (12) RCW 28B.35.105 and 1977 ex.s. c 169 s 46;

28 (13) RCW 28B.35.110 and 1977 ex.s. c 169 s 47;

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

30 (15) RCW 28B.40.100 and 1985 c 137 s 2, 1979 ex.s. c 103 s 5, 1977
31 ex.s. c 169 s 65, 1973 c 62 s 11, & 1969 ex.s. c 223 s 28B.40.100;

32 (16) RCW 28B.40.105 and 1977 ex.s. c 169 s 66 & 1969 ex.s. c 223 s
33 28B.40.105;

34 (17) RCW 28B.40.110 and 1977 ex.s. c 169 s 67 & 1969 ex.s. c 223 s
35 28B.40.110; and

36 (18) RCW 28B.40.120 and 1985 c 370 s 95, 1977 ex.s. c 169 s 68, &
37 1969 ex.s. c 223 s 28B.40.120.

1 NEW SECTION. **Sec. 11.** The house of representatives and the senate
2 committees on higher education shall report to the legislature by
3 December 1, 1995, their recommendations and draft legislation to
4 conform existing higher education statutes to the system of higher
5 education governance in this act.

6 NEW SECTION. **Sec. 12.** (1) The governor shall appoint the board of
7 regents created in section 4 of this act no later than November 1,
8 1995.

9 (2) The board of regents shall begin meeting as soon as possible
10 after appointment in order to plan for the orderly transition of
11 baccalaureate institutions of higher education to the jurisdiction of
12 the board.

13 NEW SECTION. **Sec. 13.** Sections 1 through 8 of this act shall
14 constitute a new chapter in Title 28B RCW.

15 NEW SECTION. **Sec. 14.** Sections 4 and 11 of this act are necessary
16 for the immediate preservation of the public peace, health, or safety,
17 or support of the state government and its existing public
18 institutions, and shall take effect July 1, 1995.

19 NEW SECTION. **Sec. 15.** Sections 1 through 3 and 5 through 10 of
20 this act shall take effect July 1, 1996.

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