
HOUSE BILL 1312

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Jacobsen, Orr, Quall and Johanson

Read first time 01/22/93. Referred to Committee on Higher Education.

1 AN ACT Relating to Spokane State University; amending RCW
2 28B.10.020, 28B.10.140, 28B.25.030, 28B.35.751, 28B.80.310, and
3 34.05.010; reenacting and amending RCW 28B.16.020; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The purpose of this act is to rename Eastern
7 Washington University as Spokane State University.

8 **Sec. 2.** RCW 28B.10.020 and 1985 c 370 s 50 are each amended to
9 read as follows:

10 The boards of regents of the University of Washington and
11 Washington State University, respectively, and the boards of trustees
12 of Central Washington University, (~~Eastern Washington~~) Spokane State
13 University, Western Washington University, and The Evergreen State
14 College, respectively, shall have the power and authority to acquire by
15 exchange, gift, purchase, lease, or condemnation in the manner provided
16 by chapter 8.04 RCW for condemnation of property for public use, such
17 lands, real estate and other property, and interests therein as they
18 may deem necessary for the use of said institutions respectively.

1 However, the purchase or lease of major off-campus facilities is
2 subject to the approval of the higher education coordinating board
3 under RCW 28B.80.340.

4 **Sec. 3.** RCW 28B.10.140 and 1977 ex.s. c 169 s 10 are each amended
5 to read as follows:

6 The University of Washington, Washington State University, Central
7 Washington University, (~~Eastern Washington~~) Spokane State University,
8 Western Washington University, and The Evergreen State College are each
9 authorized to train teachers and other personnel for whom teaching
10 certificates or special credentials prescribed by the state board of
11 education are required, for any grade, level, department or position of
12 the public schools of the state, except that the training for
13 superintendents, over and above that required for teaching certificates
14 and principals' credentials, shall be given by the University of
15 Washington and Washington State University only.

16 **Sec. 4.** RCW 28B.16.020 and 1985 c 461 s 8 and 1985 c 365 s 2 are
17 each reenacted and amended to read as follows:

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

20 (1) "Institutions of higher education" are the University of
21 Washington, Washington State University, Central Washington University,
22 (~~Eastern Washington~~) Spokane State University, Western Washington
23 University, The Evergreen State College, and the various state
24 community colleges;

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

27 (3) "Related boards" means the state board for community and
28 technical colleges (~~education~~) and the higher education personnel
29 board; and such other boards, councils and commissions related to
30 higher education as may be established;

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

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

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

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

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

11 **Sec. 5.** RCW 28B.25.030 and 1991 c 205 s 4 are each amended to read
12 as follows:

13 (1) The joint center for higher education shall be governed by a
14 board consisting of the following twelve voting members:

15 (a) One member of the ((~~Eastern Washington~~)) Spokane State
16 University board of trustees;

17 (b) One member of the Washington State University board of regents;

18 (c) One member of the board of trustees of the Spokane community
19 college district;

20 (d) Six citizens residing in Spokane county. Of the six citizen
21 members, no more than two may be regents or trustees of ((~~Eastern~~
22 ~~Washington~~)) Spokane State University, Washington State University, or
23 the Spokane community college district; and

24 (e) The presidents of Washington State University and ((~~Eastern~~
25 ~~Washington~~)) Spokane State University, and the chief executive officer
26 of the Spokane community college district shall serve as ex officio
27 members of the board.

28 (2) The executive director of the higher education coordinating
29 board, the president of Gonzaga University, and the president of
30 Whitworth College shall serve as nonvoting ex officio members of the
31 board.

32 (3) Each of the twelve voting members shall have one vote. The
33 voting members shall select a chairperson from among the nine appointed
34 members. A majority of the twelve voting members shall constitute a
35 quorum for conducting business.

36 **Sec. 6.** RCW 28B.35.751 and 1991 sp.s. c 13 s 95 are each amended
37 to read as follows:

1 All moneys received from the lease or rental of lands set apart by
2 the enabling act for state normal schools purposes; all interest or
3 income arising from the proceeds of the sale of such lands or of the
4 timber, fallen timber, stone, gravel, or other valuable material
5 thereon, less the allocation to the state treasurer's service ((~~account~~
6 ~~{fund}~~)) fund pursuant to RCW 43.08.190 and the state investment board
7 expense account pursuant to RCW 43.33A.160; and all moneys received as
8 interest on deferred payments on contracts for the sale of such lands,
9 shall from time to time be paid into the state treasury and credited to
10 the ((~~Eastern Washington~~)) Spokane State University, Central Washington
11 University, Western Washington University and The Evergreen State
12 College capital projects accounts as herein provided to be expended for
13 capital projects, and bond retirement purposes as set forth in RCW
14 28B.35.750, as now or hereafter amended. ((~~Eastern Washington~~))
15 Spokane State University, Central Washington University, Western
16 Washington University, and The Evergreen State College shall be
17 credited with one-fourth of the total amount: PROVIDED, That ((~~Eastern~~
18 ~~Washington~~)) Spokane State University, Central Washington University
19 and Western Washington University shall each be credited with one-third
20 of the total amount for so long as there remain unpaid and outstanding
21 any bonds which are payable in whole or in part out of the moneys,
22 interest or income described in this section.

23 **Sec. 7.** RCW 28B.80.310 and 1985 c 370 s 2 are each amended to read
24 as follows:

25 For the purposes of this chapter:

26 (1) "Board" means the higher education coordinating board; and

27 (2) "Four-year institutions" means the University of Washington,
28 Washington State University, Central Washington University, ((~~Eastern~~
29 ~~Washington~~)) Spokane State University, Western Washington University,
30 and The Evergreen State College.

31 **Sec. 8.** RCW 34.05.010 and 1992 c 44 s 10 are each amended to read
32 as follows:

33 The definitions set forth in this section shall apply throughout
34 this chapter, unless the context clearly requires otherwise.

35 (1) "Adjudicative proceeding" means a proceeding before an agency
36 in which an opportunity for hearing before that agency is required by
37 statute or constitutional right before or after the entry of an order

1 by the agency. Adjudicative proceedings also include all cases of
2 licensing and rate making in which an application for a license or rate
3 change is denied except as limited by RCW 66.08.150, or a license is
4 revoked, suspended, or modified, or in which the granting of an
5 application is contested by a person having standing to contest under
6 the law.

7 (2) "Agency" means any state board, commission, department,
8 institution of higher education, or officer, authorized by law to make
9 rules or to conduct adjudicative proceedings, except those in the
10 legislative or judicial branches, the governor, or the attorney general
11 except to the extent otherwise required by law and any local
12 governmental entity that may request the appointment of an
13 administrative law judge under chapter 42.41 RCW.

14 (3) "Agency action" means licensing, the implementation or
15 enforcement of a statute, the adoption or application of an agency rule
16 or order, the imposition of sanctions, or the granting or withholding
17 of benefits.

18 Agency action does not include an agency decision regarding (a)
19 contracting or procurement of goods, services, public works, and the
20 purchase, lease, or acquisition by any other means, including eminent
21 domain, of real estate, as well as all activities necessarily related
22 to those functions, or (b) determinations as to the sufficiency of a
23 showing of interest filed in support of a representation petition, or
24 mediation or conciliation of labor disputes or arbitration of labor
25 disputes under a collective bargaining law or similar statute, or (c)
26 any sale, lease, contract, or other proprietary decision in the
27 management of public lands or real property interests, or (d) the
28 granting of a license, franchise, or permission for the use of
29 trademarks, symbols, and similar property owned or controlled by the
30 agency.

31 (4) "Agency head" means the individual or body of individuals in
32 whom the ultimate legal authority of the agency is vested by any
33 provision of law. If the agency head is a body of individuals, a
34 majority of those individuals constitutes the agency head.

35 (5) "Entry" of an order means the signing of the order by all
36 persons who are to sign the order, as an official act indicating that
37 the order is to be effective.

38 (6) "Filing" of a document that is required to be filed with an
39 agency means delivery of the document to a place designated by the

1 agency by rule for receipt of official documents, or in the absence of
2 such designation, at the office of the agency head.

3 (7) "Institutions of higher education" are the University of
4 Washington, Washington State University, Central Washington University,
5 (~~Eastern Washington~~) Spokane State University, Western Washington
6 University, The Evergreen State College, the various community
7 colleges, and the governing boards of each of the above, and the
8 various colleges, divisions, departments, or offices authorized by the
9 governing board of the institution involved to act for the institution,
10 all of which are sometimes referred to in this chapter as
11 "institutions."

12 (8) "Interpretive statement" means a written expression of the
13 opinion of an agency, entitled an interpretive statement by the agency
14 head or its designee, as to the meaning of a statute or other provision
15 of law, of a court decision, or of an agency order.

16 (9)(a) "License" means a franchise, permit, certification,
17 approval, registration, charter, or similar form of authorization
18 required by law, but does not include (i) a license required solely for
19 revenue purposes, or (ii) a certification of an exclusive bargaining
20 representative, or similar status, under a collective bargaining law or
21 similar statute, or (iii) a license, franchise, or permission for use
22 of trademarks, symbols, and similar property owned or controlled by the
23 agency.

24 (b) "Licensing" includes the agency process respecting the
25 issuance, denial, revocation, suspension, or modification of a license.

26 (10)(a) "Order," without further qualification, means a written
27 statement of particular applicability that finally determines the legal
28 rights, duties, privileges, immunities, or other legal interests of a
29 specific person or persons.

30 (b) "Order of adoption" means the official written statement by
31 which an agency adopts, amends, or repeals a rule.

32 (11) "Party to agency proceedings," or "party" in a context so
33 indicating, means:

34 (a) A person to whom the agency action is specifically directed; or

35 (b) A person named as a party to the agency proceeding or allowed
36 to intervene or participate as a party in the agency proceeding.

37 (12) "Party to judicial review or civil enforcement proceedings,"
38 or "party" in a context so indicating, means:

1 (a) A person who files a petition for a judicial review or civil
2 enforcement proceeding; or

3 (b) A person named as a party in a judicial review or civil
4 enforcement proceeding, or allowed to participate as a party in a
5 judicial review or civil enforcement proceeding.

6 (13) "Person" means any individual, partnership, corporation,
7 association, governmental subdivision or unit thereof, or public or
8 private organization or entity of any character, and includes another
9 agency.

10 (14) "Policy statement" means a written description of the current
11 approach of an agency, entitled a policy statement by the agency head
12 or its designee, to implementation of a statute or other provision of
13 law, of a court decision, or of an agency order, including where
14 appropriate the agency's current practice, procedure, or method of
15 action based upon that approach.

16 (15) "Rule" means any agency order, directive, or regulation of
17 general applicability (a) the violation of which subjects a person to
18 a penalty or administrative sanction; (b) which establishes, alters, or
19 revokes any procedure, practice, or requirement relating to agency
20 hearings; (c) which establishes, alters, or revokes any qualification
21 or requirement relating to the enjoyment of benefits or privileges
22 conferred by law; (d) which establishes, alters, or revokes any
23 qualifications or standards for the issuance, suspension, or revocation
24 of licenses to pursue any commercial activity, trade, or profession; or
25 (e) which establishes, alters, or revokes any mandatory standards for
26 any product or material which must be met before distribution or sale.
27 The term includes the amendment or repeal of a prior rule, but does not
28 include (i) statements concerning only the internal management of an
29 agency and not affecting private rights or procedures available to the
30 public, (ii) declaratory rulings issued pursuant to RCW 34.05.240,
31 (iii) traffic restrictions for motor vehicles, bicyclists, and
32 pedestrians established by the secretary of transportation or his
33 designee where notice of such restrictions is given by official traffic
34 control devices, or (iv) rules of institutions of higher education
35 involving standards of admission, academic advancement, academic
36 credit, graduation and the granting of degrees, employment
37 relationships, or fiscal processes.

38 (16) "Rules review committee" or "committee" means the joint
39 administrative rules review committee created pursuant to RCW 34.05.610

1 for the purpose of selectively reviewing existing and proposed rules of
2 state agencies.

3 (17) "Rule making" means the process for formulation and adoption
4 of a rule.

5 (18) "Service," except as otherwise provided in this chapter, means
6 posting in the United States mail, properly addressed, postage prepaid,
7 or personal service. Service by mail is complete upon deposit in the
8 United States mail. Agencies may, by rule, authorize service by
9 electronic telefacsimile transmission, where copies are mailed
10 simultaneously, or by commercial parcel delivery company.

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