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HOUSE BILL 1433

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Jacobsen, Sommers and Heavey; by request of Office of Financial Management

Read first time 01/27/93. Referred to Committee on Higher Education.

1 AN ACT Relating to the establishment of Cascade State University;  
2 amending RCW 28B.10.016, 28B.10.020, 28B.10.140, 28B.15.005,  
3 28B.15.910, 28B.35.010, 28B.35.050, 28B.35.200, 28B.35.205, 28B.35.370,  
4 28B.35.710, 28B.35.751, 28B.45.020, 28B.80.310, 34.05.010, 42.17.2401,  
5 and 43.84.092; reenacting and amending RCW 28B.16.020; adding new  
6 sections to chapter 28B.35 RCW; creating new sections; and providing an  
7 effective date.

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

9 PART 1

10 CASCADE STATE UNIVERSITY

11 NEW SECTION. Sec. 101. The legislature finds that:

12 (1) The demand for higher education is expanding rapidly in  
13 Washington state;

14 (2) The most underserved area for postsecondary education in the  
15 state is western Washington; and

16 (3) There is a need for a new regional university that emphasizes  
17 the teaching of undergraduate students as the institution's primary  
18 educational mission.

1 It is, therefore, the purpose of chapter . . . , Laws of 1993 (this  
2 act) to establish a new regional university to be known as Cascade  
3 State University. The primary mission of Cascade State University, its  
4 faculty, and staff is to create an educational environment dedicated to  
5 high quality teaching of undergraduate students.

6 NEW SECTION. **Sec. 102.** There is established a regional university  
7 to be named Cascade State University. Cascade State University shall  
8 be located at a site in the Bothell-Woodinville area of King county.

9 NEW SECTION. **Sec. 103.** Before July 1, 1994, the governor shall,  
10 subject to Senate confirmation, appoint a board of trustees for Cascade  
11 State University consisting of seven members. Appointments shall be  
12 made in accordance with all of the applicable provisions of chapter  
13 28B.35 RCW, except that initial appointments shall be for terms as  
14 follows: Two for three years, two for four years, two for five years,  
15 and one for six years. All other powers, duties, and responsibilities  
16 relating to the board of trustees shall be carried out in accordance  
17 with applicable provisions of chapter 28B.35 RCW.

18 NEW SECTION. **Sec. 104.** (1) Before July 1, 1995, the board of  
19 trustees shall select a site in the Bothell-Woodinville area of King  
20 county for the permanent location of Cascade State University. As soon  
21 as possible after selection of the site, the board shall, in accordance  
22 with provisions of chapter 28B.35 RCW and other applicable provisions  
23 of law:

24 (a) Acquire and accept on behalf of the state sufficient and  
25 suitable real property as a site for the university;

26 (b) Provide for the construction of buildings, appurtenances, and  
27 facilities as it shall determine necessary for the university;

28 (c) Employ the president of the university, other administrative  
29 staff, and a core planning faculty necessary for the development of the  
30 university; and

31 (d) Take such other actions as may be necessary to prepare the  
32 university for the reception of students.

33 (2) The board of trustees shall ensure that Cascade State  
34 University is prepared to begin operation and receive students by  
35 September 1, 1996.

1        NEW SECTION.    **Sec. 105.**    In addition to the powers and duties  
2 conferred by sections 102 through 104 of this act, the board of  
3 trustees of Cascade State University has all of the powers and duties  
4 that are currently or may be hereafter granted to existing regional  
5 universities by law. All statutes pertaining to the existing regional  
6 universities shall have full force and application to Cascade State  
7 University.

8        Cascade State University is entitled to receive and share in all  
9 the benefits and donations made and given to similar institutions by  
10 the enabling act or other federal law to the same extent as other state  
11 higher education institutions are entitled to receive and share in such  
12 benefits and donations.

13        **Sec. 106.**    RCW 28B.10.016 and 1992 c 231 s 1 are each amended to  
14 read as follows:

15        For the purposes of this title:

16        (1) "State universities" means the University of Washington and  
17 Washington State University.

18        (2) "Regional universities" means Western Washington University at  
19 Bellingham, Central Washington University at Ellensburg, Cascade State  
20 University at Bothell-Woodinville, and Eastern Washington University at  
21 Cheney.

22        (3) "State college" means The Evergreen State College in Thurston  
23 county.

24        (4) "Institutions of higher education" or "postsecondary  
25 institutions" means the state universities, the regional universities,  
26 The Evergreen State College, the community colleges, and the technical  
27 colleges.

28        (5) "Governing board" means the board of regents or the board of  
29 trustees of the institutions of higher education.

30        **Sec. 107.**    RCW 28B.10.020 and 1985 c 370 s 50 are each amended to  
31 read as follows:

32        The boards of regents of the University of Washington and  
33 Washington State University, respectively, and the boards of trustees  
34 of Central Washington University, Eastern Washington University,  
35 Western Washington University, Cascade State University, and The  
36 Evergreen State College, respectively, shall have the power and  
37 authority to acquire by exchange, gift, purchase, lease, or

1 condemnation in the manner provided by chapter 8.04 RCW for  
2 condemnation of property for public use, such lands, real estate and  
3 other property, and interests therein as they may deem necessary for  
4 the use of said institutions respectively. However, the purchase or  
5 lease of major off-campus facilities is subject to the approval of the  
6 higher education coordinating board under RCW 28B.80.340.

7 **Sec. 108.** RCW 28B.10.140 and 1977 ex.s. c 169 s 10 are each  
8 amended to read as follows:

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

19 **Sec. 109.** RCW 28B.15.005 and 1977 ex.s. c 169 s 33 are each  
20 amended to read as follows:

21 (1) "Colleges and universities" for the purposes of this chapter  
22 shall mean Central Washington University at Ellensburg, Eastern  
23 Washington University at Cheney, Western Washington University at  
24 Bellingham, Cascade State University at Bothell-Woodinville, The  
25 Evergreen State College in Thurston county, community colleges as are  
26 provided for in chapter 28B.50 RCW, the University of Washington, and  
27 Washington State University.

28 (2) "State universities" for the purposes of this chapter shall  
29 mean the University of Washington and Washington State University.

30 (3) "Regional universities" for the purposes of this chapter shall  
31 mean Central Washington University, Eastern Washington University,  
32 Cascade State University, and Western Washington University.

33 **Sec. 110.** RCW 28B.15.910 and 1992 c 231 s 33 are each amended to  
34 read as follows:

35 (1) Except for revenue waived under programs listed in subsection  
36 (3) of this section, and unless otherwise expressly provided in the

1 omnibus state appropriations act, the total amount of operating fee  
2 revenue waived, exempted, or reduced by a state university, a regional  
3 university, The Evergreen State College, or the community colleges as  
4 a whole, shall not exceed the percentage of total net authorized  
5 operating fees revenue set forth below. As used in this section, "net  
6 authorized operating fees revenue" means the estimated gross operating  
7 fees revenue as estimated under RCW 82.33.020, before granting any  
8 waivers, minus obligations under RCW 28B.15.820. This limitation  
9 applies to all tuition waiver programs established before or after July  
10 1, 1992.

11	(a) University of Washington	21 percent
12	(b) Washington State University	20 percent
13	(c) Eastern Washington University	11 percent
14	(d) Central Washington University	8 percent
15	(e) Western Washington University	10 percent
16	(f) <u>Cascade State University</u>	<u>-- percent</u>
17	<u>(g)</u> The Evergreen State College	6 percent
18	<del>((g))</del> <u>(h)</u> Community colleges as a whole	35 percent

19 (2) The limitations in subsection (1) of this section apply to  
20 waivers, exemptions, or reductions in operating fees contained in the  
21 following:

- 22 (a) RCW 28B.10.265;
- 23 (b) RCW 28B.15.014;
- 24 (c) RCW 28B.15.100;
- 25 (d) RCW 28B.15.225;
- 26 (e) RCW 28B.15.380;
- 27 (f) Ungraded courses under RCW 28B.15.502(4);
- 28 (g) RCW 28B.15.520;
- 29 (h) RCW 28B.15.526;
- 30 (i) RCW 28B.15.527;
- 31 (j) RCW 28B.15.543;
- 32 (k) RCW 28B.15.545;
- 33 (l) RCW 28B.15.555;
- 34 (m) RCW 28B.15.556;
- 35 (n) RCW 28B.15.615;
- 36 (o) RCW 28B.15.620;
- 37 (p) RCW 28B.15.628;
- 38 (q) RCW 28B.15.725;
- 39 (r) RCW 28B.15.730;

- 1 (s) RCW 28B.15.740;
- 2 (t) RCW 28B.15.750;
- 3 (u) RCW 28B.15.756;
- 4 (v) RCW 28B.50.259;
- 5 (w) RCW 28B.70.050; and
- 6 (x) RCW 28B.80.580.

7 (3) The limitations in subsection (1) of this section do not apply  
8 to waivers, exemptions, or reductions in services and activities fees  
9 contained in the following:

- 10 (a) RCW 28B.15.522;
- 11 (b) RCW 28B.15.535;
- 12 (c) RCW 28B.15.540; and
- 13 (d) RCW 28B.15.558.

14 **Sec. 111.** RCW 28B.16.020 and 1985 c 461 s 8 and 1985 c 365 s 2 are  
15 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

6 **Sec. 112.** RCW 28B.35.010 and 1977 ex.s. c 169 s 44 are each  
7 amended to read as follows:

8 The regional universities shall be located and designated as  
9 follows: At Bellingham, Western Washington University; at Cheney,  
10 Eastern Washington University; at Ellensburg, Central Washington  
11 University; at Bothell-Woodinville, Cascade State University.

12 **Sec. 113.** RCW 28B.35.050 and 1977 ex.s. c 169 s 2 are each amended  
13 to read as follows:

14 The primary purposes of the regional universities shall be to offer  
15 undergraduate and graduate education programs through the master's  
16 degree, including programs of a practical and applied nature, directed  
17 to the educational and professional needs of the residents of the  
18 regions they serve; to act as receiving institutions for transferring  
19 community college students; and to provide extended occupational and  
20 complementary studies programs that continue or are otherwise  
21 integrated with the educational services of the region's community  
22 colleges.

23 ~~((No college shall be eligible for designation as a regional  
24 university until it has been in operation for at least twenty years and  
25 has been authorized to offer master's degree programs in more than  
26 three fields.))~~

27 **Sec. 114.** RCW 28B.35.200 and 1977 ex.s. c 169 s 50 are each  
28 amended to read as follows:

29 The degree of bachelor of arts or the degree of bachelor of science  
30 and/or the degree of bachelor of arts in education may be granted to  
31 any student who has completed a four-year course of study or the  
32 equivalent thereof in Central Washington University, Eastern Washington  
33 University, Cascade State University, or Western Washington University.

34 **Sec. 115.** RCW 28B.35.205 and 1991 c 58 s 2 are each amended to  
35 read as follows:

1 In addition to all other powers and duties given to them by law,  
2 Central Washington University, Eastern Washington University, Cascade  
3 State University, and Western Washington University are hereby  
4 authorized to grant any degree through the master's degree to any  
5 student who has completed a program of study and/or research in those  
6 areas which are determined by the faculty and board of trustees of the  
7 college to be appropriate for the granting of such degree: PROVIDED,  
8 That before any degree is authorized under this section it shall be  
9 subject to the review and approval of the higher education coordinating  
10 board.

11 The board of trustees, upon recommendation of the faculty, may also  
12 confer honorary bachelor's or master's degrees upon persons other than  
13 graduates of the institution, in recognition of their learning or  
14 devotion to education, literature, art, or science. No degree may be  
15 conferred in consideration of the payment of money or the donation of  
16 any kind of property.

17 **Sec. 116.** RCW 28B.35.370 and 1991 sp.s. c 13 s 49 are each amended  
18 to read as follows:

19 Within thirty-five days from the date of collection thereof all  
20 building fees of each regional university and The Evergreen State  
21 College shall be paid into the state treasury and these together with  
22 such normal school fund revenues as provided in RCW 28B.35.751 as are  
23 received by the state treasury shall be credited as follows:

24 (1) On or before June 30th of each year the board of trustees of  
25 each regional university and The Evergreen State College, if issuing  
26 bonds payable out of its building fees and above described normal  
27 school fund revenues, shall certify to the state treasurer the amounts  
28 required in the ensuing twelve months to pay and secure the payment of  
29 the principal of and interest on such bonds. The amounts so certified  
30 by each regional university and The Evergreen State College shall be a  
31 prior lien and charge against all building fees and above described  
32 normal school fund revenues of such institution. The state treasurer  
33 shall thereupon deposit the amounts so certified in the Eastern  
34 Washington University capital projects account, the Central Washington  
35 University capital projects account, the Western Washington University  
36 capital projects account, the Cascade State University capital projects  
37 account, or The Evergreen State College capital projects account  
38 respectively, which accounts are hereby created in the state treasury.



1 The amounts deposited in the respective capital projects accounts shall  
2 be used exclusively to pay and secure the payment of the principal of  
3 and interest on the building bonds issued by such regional universities  
4 and The Evergreen State College as authorized by law. If in any twelve  
5 month period it shall appear that the amount certified by any such  
6 board of trustees is insufficient to pay and secure the payment of the  
7 principal of and interest on the outstanding building and above  
8 described normal school fund revenue bonds of its institution, the  
9 state treasurer shall notify the board of trustees and such board shall  
10 adjust its certificate so that all requirements of moneys to pay and  
11 secure the payment of the principal of and interest on all such bonds  
12 then outstanding shall be fully met at all times.

13 (2) All normal school fund revenue pursuant to RCW 28B.35.751 shall  
14 be deposited in the Eastern Washington University capital projects  
15 account, the Central Washington University capital projects account,  
16 the Western Washington University capital projects account, the Cascade  
17 State University capital projects account, or The Evergreen State  
18 College capital projects account respectively, which accounts are  
19 hereby created in the state treasury. The sums deposited in the  
20 respective capital projects accounts shall be appropriated and expended  
21 exclusively to pay and secure the payment of the principal of and  
22 interest on bonds payable out of the building fees and normal school  
23 revenue and for the construction, reconstruction, erection, equipping,  
24 maintenance, demolition and major alteration of buildings and other  
25 capital assets, and the acquisition of sites, rights-of-way, easements,  
26 improvements or appurtenances in relation thereto except for any sums  
27 transferred therefrom as authorized by law.

28 **Sec. 117.** RCW 28B.35.710 and 1985 c 390 s 49 are each amended to  
29 read as follows:

30 The following terms, whenever used or referred to in RCW 28B.35.700  
31 through 28B.35.790, shall have the following meaning, excepting in  
32 those instances where the context clearly indicates otherwise:

33 (1) The word "boards" means the boards of trustees of the regional  
34 universities and The Evergreen State College.

35 (2) The words "building fees" mean the building fees charged  
36 students registering at each college, but shall not mean the special  
37 tuition or other fees charged such students or fees, charges, rentals,  
38 and other income derived from any or all revenue-producing lands,

1 buildings, and facilities of the respective colleges, heretofore or  
2 hereafter acquired, constructed or installed, including but not limited  
3 to income from rooms, dormitories, dining rooms, hospitals,  
4 infirmaries, housing or student activity buildings, vehicular parking  
5 facilities, land or the appurtenances thereon.

6 (3) The words "bond retirement funds" shall mean the special funds  
7 created by law and known as the Eastern Washington University bond  
8 retirement fund, Central Washington University bond retirement fund,  
9 Western Washington University bond retirement fund, the Cascade State  
10 University bond retirement fund, and The Evergreen State College bond  
11 retirement fund, all as referred to in RCW 28B.35.370.

12 (4) The word "bonds" means the bonds payable out of the bond  
13 retirement funds.

14 (5) The word "projects" means the construction, completion,  
15 reconstruction, remodeling, rehabilitation, or improvement of any  
16 building or other facility of any of the aforementioned colleges  
17 authorized by the legislature at any time and to be financed by the  
18 issuance and sale of bonds.

19 **Sec. 118.** RCW 28B.35.751 and 1991 sp.s. c 13 s 95 are each amended  
20 to read as follows:

21 All moneys received from the lease or rental of lands set apart by  
22 the enabling act for state normal schools purposes; all interest or  
23 income arising from the proceeds of the sale of such lands or of the  
24 timber, fallen timber, stone, gravel, or other valuable material  
25 thereon, less the allocation to the state treasurer's service (~~account~~  
26 ~~{fund}~~) fund pursuant to RCW 43.08.190 and the state investment board  
27 expense account pursuant to RCW 43.33A.160; and all moneys received as  
28 interest on deferred payments on contracts for the sale of such lands,  
29 shall from time to time be paid into the state treasury and credited to  
30 the Eastern Washington University, Central Washington University,  
31 Western Washington University, Cascade State University, and The  
32 Evergreen State College capital projects accounts as herein provided to  
33 be expended for capital projects, and bond retirement purposes as set  
34 forth in RCW 28B.35.750, as now or hereafter amended. Eastern  
35 Washington University, Central Washington University, Western  
36 Washington University, Cascade State University, and The Evergreen  
37 State College shall be credited with one-fourth of the total amount:  
38 PROVIDED, That Eastern Washington University, Central Washington

1 University, Cascade State University, and Western Washington University  
2 shall each be credited with one-third of the total amount for so long  
3 as there remain unpaid and outstanding any bonds which are payable in  
4 whole or in part out of the moneys, interest or income described in  
5 this section.

6 **Sec. 119.** RCW 28B.45.020 and 1989 1st ex.s. c 7 s 3 are each  
7 amended to read as follows:

8 The University of Washington is responsible for ensuring the  
9 expansion of upper-division and graduate educational programs in the  
10 central Puget Sound area under rules or guidelines adopted by the  
11 higher education coordinating board. The University of Washington  
12 shall meet that responsibility through the operation of ((at least  
13 two)) a branch ((campuses. One branch campus shall be)) campus located  
14 in the Tacoma area. ((Another branch campus shall be located in the  
15 Bothell-Woodinville area.))

16 **Sec. 120.** RCW 28B.80.310 and 1985 c 370 s 2 are each amended to  
17 read as follows:

18 For the purposes of this chapter:

- 19 (1) "Board" means the higher education coordinating board; and  
20 (2) "Four-year institutions" means the University of Washington,  
21 Washington State University, Central Washington University, Eastern  
22 Washington University, Western Washington University, Cascade State  
23 University, and The Evergreen State College.

24 **Sec. 121.** RCW 34.05.010 and 1992 c 44 s 10 are each amended to  
25 read as follows:

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

- 28 (1) "Adjudicative proceeding" means a proceeding before an agency  
29 in which an opportunity for hearing before that agency is required by  
30 statute or constitutional right before or after the entry of an order  
31 by the agency. Adjudicative proceedings also include all cases of  
32 licensing and rate making in which an application for a license or rate  
33 change is denied except as limited by RCW 66.08.150, or a license is  
34 revoked, suspended, or modified, or in which the granting of an  
35 application is contested by a person having standing to contest under  
36 the law.

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

8 (3) "Agency action" means licensing, the implementation or  
9 enforcement of a statute, the adoption or application of an agency rule  
10 or order, the imposition of sanctions, or the granting or withholding  
11 of benefits.

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

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

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

32 (6) "Filing" of a document that is required to be filed with an  
33 agency means delivery of the document to a place designated by the  
34 agency by rule for receipt of official documents, or in the absence of  
35 such designation, at the office of the agency head.

36 (7) "Institutions of higher education" are the University of  
37 Washington, Washington State University, Central Washington University,  
38 Eastern Washington University, Western Washington University, Cascade  
39 State University, The Evergreen State College, the various community

1 colleges, and the governing boards of each of the above, and the  
2 various colleges, divisions, departments, or offices authorized by the  
3 governing board of the institution involved to act for the institution,  
4 all of which are sometimes referred to in this chapter as  
5 "institutions."

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

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

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

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

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

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

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

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

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

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

35 (b) A person named as a party in a judicial review or civil  
36 enforcement proceeding, or allowed to participate as a party in a  
37 judicial review or civil enforcement proceeding.

38 (13) "Person" means any individual, partnership, corporation,  
39 association, governmental subdivision or unit thereof, or public or

1 private organization or entity of any character, and includes another  
2 agency.

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

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

31 (16) "Rules review committee" or "committee" means the joint  
32 administrative rules review committee created pursuant to RCW 34.05.610  
33 for the purpose of selectively reviewing existing and proposed rules of  
34 state agencies.

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

37 (18) "Service," except as otherwise provided in this chapter, means  
38 posting in the United States mail, properly addressed, postage prepaid,  
39 or personal service. Service by mail is complete upon deposit in the

1 United States mail. Agencies may, by rule, authorize service by  
2 electronic telefacsimile transmission, where copies are mailed  
3 simultaneously, or by commercial parcel delivery company.

4 **Sec. 122.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to  
5 read as follows:

6 For the purposes of RCW 42.17.240, the term "executive state  
7 officer" includes:

8 (1) The chief administrative law judge, the director of  
9 agriculture, the administrator of the office of marine safety, the  
10 administrator of the Washington basic health plan, the director of the  
11 department of services for the blind, the director of the state system  
12 of community and technical colleges, the director of community  
13 development, the secretary of corrections, the director of ecology, the  
14 commissioner of employment security, the chairman of the energy  
15 facility site evaluation council, the director of the energy office,  
16 the secretary of the state finance committee, the director of financial  
17 management, the director of fisheries, the executive secretary of the  
18 forest practices appeals board, the director of the gambling  
19 commission, the director of general administration, the secretary of  
20 health, the administrator of the Washington state health care  
21 authority, the executive secretary of the health care facilities  
22 authority, the executive secretary of the higher education facilities  
23 authority, the director of the higher education personnel board, the  
24 executive secretary of the horse racing commission, the executive  
25 secretary of the human rights commission, the executive secretary of  
26 the indeterminate sentence review board, the director of the department  
27 of information services, the director of the interagency committee for  
28 outdoor recreation, the executive director of the state investment  
29 board, the director of labor and industries, the director of licensing,  
30 the director of the lottery commission, the director of the office of  
31 minority and women's business enterprises, the director of parks and  
32 recreation, the director of personnel, the executive director of the  
33 public disclosure commission, the director of retirement systems, the  
34 director of revenue, the secretary of social and health services, the  
35 chief of the Washington state patrol, the executive secretary of the  
36 board of tax appeals, the director of trade and economic development,  
37 the secretary of transportation, the secretary of the utilities and  
38 transportation commission, the director of veterans affairs, the

1 director of wildlife, the president of each of the regional and state  
2 universities and the president of The Evergreen State College, each  
3 district and each campus president of each state community college;

4 (2) Each professional staff member of the office of the governor;

5 (3) Each professional staff member of the legislature; and

6 (4) Cascade State University board of trustees, Central Washington  
7 University board of trustees, board of trustees of each community  
8 college, each member of the state board for community and technical  
9 colleges ((education)), state convention and trade center board of  
10 directors, committee for deferred compensation, Eastern Washington  
11 University board of trustees, Washington economic development finance  
12 authority, The Evergreen State College board of trustees, forest  
13 practices appeals board, forest practices board, gambling commission,  
14 Washington health care facilities authority, higher education  
15 coordinating board, higher education facilities authority, higher  
16 education personnel board, horse racing commission, state housing  
17 finance commission, human rights commission, indeterminate sentence  
18 review board, board of industrial insurance appeals, information  
19 services board, interagency committee for outdoor recreation, state  
20 investment board, liquor control board, lottery commission, marine  
21 oversight board, oil and gas conservation committee, Pacific Northwest  
22 electric power and conservation planning council, parks and recreation  
23 commission, personnel appeals board, personnel board, board of pilotage  
24 (~~commissioners~~) commissioners, pollution control hearings board,  
25 public disclosure commission, public pension commission, shorelines  
26 hearing board, state employees' benefits board, board of tax appeals,  
27 transportation commission, University of Washington board of regents,  
28 utilities and transportation commission, Washington state maritime  
29 commission, Washington public power supply system executive board,  
30 Washington State University board of regents, Western Washington  
31 University board of trustees, and wildlife commission.

32 **Sec. 123.** RCW 43.84.092 and 1992 c 235 s 4 are each amended to  
33 read as follows:

34 (1) All earnings of investments of surplus balances in the state  
35 treasury shall be deposited to the treasury income account, which  
36 account is hereby established in the state treasury.

37 (2) Monthly, the state treasurer shall distribute the earnings  
38 credited to the treasury income account. The state treasurer shall



1 credit the general fund with all the earnings credited to the treasury  
2 income account except:

3 (a) The following accounts and funds shall receive their  
4 proportionate share of earnings based upon each account's and fund's  
5 average daily balance for the period: The capitol building  
6 construction account, the Cascade State University capital projects  
7 account, the Cedar River channel construction and operation account,  
8 the Central Washington University capital projects account, the  
9 charitable, educational, penal and reformatory institutions account,  
10 the common school construction fund, the county criminal justice  
11 assistance account, the county sales and use tax equalization account,  
12 the data processing building construction account, the deferred  
13 compensation administrative account, the deferred compensation  
14 principal account, the department of retirement systems expense  
15 account, the Eastern Washington University capital projects account,  
16 the federal forest revolving account, the industrial insurance premium  
17 refund account, the judges' retirement account, the judicial retirement  
18 administrative account, the judicial retirement principal account, the  
19 local leasehold excise tax account, the local sales and use tax  
20 account, the medical aid account, the municipal criminal justice  
21 assistance account, the municipal sales and use tax equalization  
22 account, the natural resources deposit account, the perpetual  
23 surveillance and maintenance account, the public employees' retirement  
24 system plan I account, the public employees' retirement system plan II  
25 account, the Puyallup tribal settlement account, the resource  
26 management cost account, the site closure account, the special wildlife  
27 account, the state employees' insurance account, the state employees'  
28 insurance reserve account, the state investment board expense account,  
29 the state investment board commingled trust fund accounts, the  
30 supplemental pension account, the teachers' retirement system plan I  
31 account, the teachers' retirement system plan II account, the  
32 University of Washington bond retirement fund, the University of  
33 Washington building account, the volunteer fire fighters' relief and  
34 pension principal account, the volunteer fire fighters' relief and  
35 pension administrative account, the Washington judicial retirement  
36 system account, the Washington law enforcement officers' and fire  
37 fighters' system plan I retirement account, the Washington law  
38 enforcement officers' and fire fighters' system plan II retirement  
39 account, the Washington state patrol retirement account, the Washington

1 State University building account, the Washington State University bond  
2 retirement fund, and the Western Washington University capital projects  
3 account. Earnings derived from investing balances of the agricultural  
4 permanent fund, the normal school permanent fund, the permanent common  
5 school fund, the scientific permanent fund, and the state university  
6 permanent fund shall be allocated to their respective beneficiary  
7 accounts. All earnings to be distributed under this subsection (2)(a)  
8 shall first be reduced by the allocation to the state treasurer's  
9 service fund pursuant to RCW 43.08.190.

10 (b) The following accounts and funds shall receive eighty percent  
11 of their proportionate share of earnings based upon each account's or  
12 fund's average daily balance for the period: The central Puget Sound  
13 public transportation account, the city hardship assistance account,  
14 the county arterial preservation account, the economic development  
15 account, the essential rail assistance account, the essential rail  
16 banking account, the ferry bond retirement fund, the grade crossing  
17 protective fund, the high capacity transportation account, the highway  
18 bond retirement fund, the highway construction stabilization account,  
19 the highway safety account, the motor vehicle fund, the motorcycle  
20 safety education account, the pilotage account, the public  
21 transportation systems account, the Puget Sound capital construction  
22 account, the Puget Sound ferry operations account, the recreational  
23 vehicle account, the rural arterial trust account, the special category  
24 C account, the state patrol highway account, the transfer relief  
25 account, the transportation capital facilities account, the  
26 transportation equipment fund, the transportation fund, the  
27 transportation improvement account, and the urban arterial trust  
28 account.

29 (3) In conformance with Article II, section 37 of the state  
30 Constitution, no treasury accounts or funds shall be allocated earnings  
31 without the specific affirmative directive of this section.

32 **PART 2**

33 **TRANSFER OF FUNCTIONS**

34 NEW SECTION. **Sec. 201.** The University of Washington branch campus  
35 located in the Bothell-Woodinville area is hereby abolished and its  
36 powers, duties, and functions are hereby transferred to the Cascade  
37 State University.

1        NEW SECTION.    **Sec. 202.**    All reports, documents, surveys, books,  
2 records, files, papers, or written material in the possession of the  
3 University of Washington branch campus located in the Bothell-  
4 Woodinville area shall be delivered to the custody of the Cascade State  
5 University. All cabinets, furniture, office equipment, motor vehicles,  
6 and other tangible property employed by the University of Washington  
7 branch campus located in the Bothell-Woodinville area shall be made  
8 available to the Cascade State University. All funds, credits, or  
9 other assets held by the University of Washington branch campus located  
10 in the Bothell-Woodinville area shall be assigned to the Cascade State  
11 University.

12        Any appropriations made to the University of Washington branch  
13 campus located in the Bothell-Woodinville area shall, on the effective  
14 date of this section, be transferred and credited to the Cascade State  
15 University.

16        Whenever any question arises as to the transfer of any personnel,  
17 funds, books, documents, records, papers, files, equipment, or other  
18 tangible property used or held in the exercise of the powers and the  
19 performance of the duties and functions transferred, the director of  
20 financial management shall make a determination as to the proper  
21 allocation and certify the same to the state agencies concerned.

22        NEW SECTION.    **Sec. 203.**    All employees of the University of  
23 Washington branch campus located in the Bothell-Woodinville area are  
24 transferred to the jurisdiction of the Cascade State University. All  
25 employees classified under chapter 28B.16 RCW, the state higher  
26 education personnel law, are assigned to the Cascade State University  
27 to perform their usual duties upon the same terms as formerly, without  
28 any loss of rights, subject to any action that may be appropriate  
29 thereafter in accordance with the laws and rules governing state higher  
30 education personnel.

31        NEW SECTION.    **Sec. 204.**    All rules and all pending business before  
32 the University of Washington branch campus located in the Bothell-  
33 Woodinville area shall be continued and acted upon by the Cascade State  
34 University. All existing contracts and obligations shall remain in  
35 full force and shall be performed by the Cascade State University.

