
SENATE BILL 5629

State of Washington

59th Legislature

2005 Regular Session

By Senator Jacobsen

Read first time 01/31/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to the office of student assistance; adding a new
2 section to chapter 41.06 RCW; and adding a new chapter to Title 28B
3 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) It is the purpose of this chapter to
6 establish the office of student assistance.

7 (2) The office shall administer the state's responsibilities for
8 federal student financial aid programs.

9 (3) The office, in consultation with students, the higher education
10 coordinating board, the work force training and education coordinating
11 board, the state board for community and technical colleges, the
12 council of presidents, public and private institutions of higher
13 education, and career schools and colleges has the following duties:

14 (a) To work collaboratively with organizations representing the
15 public, students, institutions of higher education, faculty, and
16 community scholarship groups and corporations;

17 (b) To provide objective and timely information to the governor,
18 legislature, public, institutions of higher education, and higher
19 education organizations;

1 (c) To be an advocate for the needs of financially needy students
2 to the public, the governor, the legislature, and congress;

3 (d) To ensure that public funds are effectively managed and that
4 the maximum amount possible of those funds are provided directly to
5 needy students;

6 (e) To the extent feasible, streamline distribution and
7 accountability processes to reduce the need for administrative staff at
8 the state and institutions of higher education;

9 (f) To the extent feasible, ensure that programs follow the
10 principle that funding follows resident students to their choice of
11 accredited in-state career schools and colleges; and

12 (g) To raise donations and matching grants from people and
13 organizations that wish to donate to statewide financial aid programs.

14 NEW SECTION. **Sec. 2.** Unless the context clearly requires
15 otherwise, the definitions in this section apply throughout this
16 chapter.

17 (1) "Director" means the director of the office.

18 (2) "Office" means the office of student assistance.

19 NEW SECTION. **Sec. 3.** The office of student assistance is created.
20 The office is vested with all powers and duties transferred to it under
21 this chapter and such other powers and duties as may be authorized by
22 law.

23 NEW SECTION. **Sec. 4.** The executive head and appointing authority
24 of the office is the director. The director shall be appointed by the
25 governor, with the consent of the senate, and shall serve at the
26 pleasure of the governor. The director shall be paid a salary to be
27 fixed by the governor in accordance with RCW 43.03.040. If a vacancy
28 occurs in the position while the senate is not in session, the governor
29 shall make a temporary appointment until the next meeting of the
30 senate.

31 NEW SECTION. **Sec. 5.** It is the intent of the legislature wherever
32 possible to place the internal affairs of the office under the control
33 of the director in order that the director may institute therein the
34 flexible, alert, and intelligent management of its business that

1 changing contemporary circumstances require. Therefore, whenever the
2 director's authority is not specifically limited by law, the director
3 has complete charge and supervisory powers over the office. The
4 director may create such administrative structures as the director
5 considers appropriate, except as otherwise specified by law. The
6 director may employ such assistants and personnel as necessary for the
7 general administration of the office. This employment shall be in
8 accordance with the state civil service law, chapter 41.06 RCW, except
9 as otherwise provided.

10 NEW SECTION. **Sec. 6.** The director shall appoint a deputy
11 director, an office personnel director, and such assistant directors as
12 may be needed to administer the office. The deputy director shall have
13 charge and general supervision of the office in the absence or
14 disability of the director and, in case of a vacancy in the office of
15 director, shall continue in charge of the office until a successor is
16 appointed and qualified, or until the governor appoints an acting
17 director.

18 NEW SECTION. **Sec. 7.** Any power or duty vested in or transferred
19 to the director by law or executive order may be delegated by the
20 director to the deputy director or to any other assistant or
21 subordinate; but the director is responsible for the official acts of
22 the officers and employees of the office.

23 NEW SECTION. **Sec. 8.** The director may appoint such advisory
24 committees or councils as may be required by any federal legislation as
25 a condition to the receipt of federal funds by the office. The
26 director may also appoint statewide committees or councils on such
27 subject matters as are or come within the office's responsibilities.
28 The statewide committees and councils shall have representation from
29 both major political parties and shall have substantial consumer
30 representation.

31 Members of such state advisory committees or councils may be paid
32 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

33 NEW SECTION. **Sec. 9.** In furtherance of the policy of the state to
34 cooperate with the federal government in all of the programs under the

1 jurisdiction of the office, such rules as may become necessary to
2 entitle the state to participate in federal funds may be adopted,
3 unless expressly prohibited by law. Any internal reorganization
4 carried out under the terms of this chapter shall meet federal
5 requirements that are a necessary condition to state receipt of federal
6 funds. Any section or provision of law dealing with the office that
7 may be susceptible to more than one construction shall be interpreted
8 in favor of the construction most likely to comply with federal laws
9 entitling this state to receive federal funds for the various programs
10 of the office. If any law dealing with the office is ruled to be in
11 conflict with federal requirements that are a prescribed condition of
12 the allocation of federal funds to the state, or to any departments or
13 agencies thereof, the conflicting part is declared to be inoperative
14 solely to the extent of the conflict.

15 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.06 RCW
16 to read as follows:

17 In addition to the exemptions under RCW 41.06.070, the provisions
18 of this chapter shall not apply in the office of student assistance to
19 the director, the director's personal secretary, the deputy director,
20 all division directors and assistant directors, and one confidential
21 secretary for each of these officers.

22 NEW SECTION. **Sec. 11.** (1) All powers, duties, and functions of
23 the higher education coordinating board and the office of the adjutant
24 general of the state military department pertaining to financial
25 assistance for students at institutions of higher education are
26 transferred to the office of student assistance. All references to the
27 executive director of the higher education coordinating board, the
28 higher education coordinating board, the adjutant general, or the
29 office of the adjutant general in the military department, in the
30 Revised Code of Washington shall be construed to mean the director or
31 the office when referring to the functions transferred in this section.

32 (2)(a) All reports, documents, surveys, books, records, files,
33 papers, or written material in the possession of the higher education
34 coordinating board and the office of the adjutant general of the state
35 military department pertaining to the powers, functions, and duties
36 transferred shall be delivered to the custody of the office of student

1 assistance. All cabinets, furniture, office equipment, motor vehicles,
2 and other tangible property employed by the higher education
3 coordinating board and the office of the adjutant general of the state
4 military department in carrying out the powers, functions, and duties
5 transferred shall be made available to the office of student
6 assistance. All funds, credits, or other assets held in connection
7 with the powers, functions, and duties transferred shall be assigned to
8 the office of student assistance.

9 (b) Any appropriations made to the higher education coordinating
10 board and the office of the adjutant general of the state military
11 department for carrying out the powers, functions, and duties
12 transferred shall, on the effective date of this section, be
13 transferred and credited to the office of student assistance.

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

20 (3) All employees of the higher education coordinating board and
21 the office of the adjutant general of the state military department
22 engaged January 1, 2005, in performing the powers, functions, and
23 duties transferred are transferred to the jurisdiction of the office of
24 student assistance. All employees classified under chapter 41.06 RCW,
25 the state civil service law, are assigned to the office of student
26 assistance to perform their usual duties upon the same terms as
27 formerly, without any loss of rights, subject to any action that may be
28 appropriate thereafter in accordance with the laws and rules governing
29 state civil service.

30 (4) All rules and all pending business before the higher education
31 coordinating board and the office of the adjutant general of the state
32 military department pertaining to the powers, functions, and duties
33 transferred shall be continued and acted upon by the office of student
34 assistance. All existing contracts and obligations shall remain in
35 full force and shall be performed by the office of student assistance.

36 (5) The transfer of the powers, duties, functions, and personnel of
37 the higher education coordinating board and the office of the adjutant

1 general of the state military department shall not affect the validity
2 of any act performed before the effective date of this section.

3 (6) If apportionments of budgeted funds are required because of the
4 transfers directed by this section, the director of financial
5 management shall certify the apportionments to the agencies affected,
6 the state auditor, and the state treasurer. Each of these shall make
7 the appropriate transfer and adjustments in funds and appropriation
8 accounts and equipment records in accordance with the certification.

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

14 NEW SECTION. **Sec. 12.** Sections 1 through 9 and 11 of this act
15 constitute a new chapter in Title 28B RCW.

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