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SENATE BILL 5787

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Bailey, Kohl-Welles, and Cleveland

Read first time 02/15/13. Referred to Committee on Higher Education.

1            AN ACT Relating to the Washington higher education facilities  
2 authority; and amending RCW 28B.07.030.

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

4            **Sec. 1.** RCW 28B.07.030 and 2011 1st sp.s. c 11 s 137 are each  
5 amended to read as follows:

6            (1) The Washington higher education facilities authority is hereby  
7 established as a public body corporate and politic, with perpetual  
8 corporate succession, constituting an agency of the state of Washington  
9 exercising essential governmental functions. The authority is a  
10 "public body" within the meaning of RCW 39.53.010.

11            (2) The authority shall consist of (~~six~~) seven members as  
12 follows: The governor, lieutenant governor, chair of the student  
13 achievement council or the chair's designee, and four public members,  
14 one of whom shall be the president of a higher education institution at  
15 the time of appointment. The public members shall be residents of the  
16 state and appointed by the governor, subject to confirmation by the  
17 senate, on the basis of their interest or expertise in the provision of  
18 higher education and the financing of higher education. The public  
19 members of the authority shall serve for terms of four years. The

1 initial terms of the public members shall be staggered in a manner  
2 determined by the governor. In the event of a vacancy on the authority  
3 due to death, resignation, or removal of one of the public members, and  
4 upon the expiration of the term of any public member, the governor  
5 shall appoint a successor for a term expiring on the fourth anniversary  
6 of the successor's date of the appointment. If any of the state  
7 offices are abolished, the resulting vacancy on the authority shall be  
8 filled by the state officer who shall succeed substantially to the  
9 power and duties of the abolished office. Any public member of the  
10 authority may be removed by the governor for misfeasance, malfeasance,  
11 willful neglect of duty, or any other cause after notice and a public  
12 hearing, unless such notice and hearing shall be expressly waived in  
13 writing.

14 (3) The governor shall serve as chairperson of the authority. The  
15 authority shall elect annually one of its members as secretary. If the  
16 governor shall be absent from a meeting of the authority, the secretary  
17 shall preside. However, the governor may designate an employee of the  
18 governor's office to act on the governor's behalf in all other respects  
19 during the absence of the governor at any meeting of the authority. If  
20 the designation is in writing and is presented to the person presiding  
21 at the meetings of the authority who is included in the designation,  
22 the vote of the designee has the same effect as if cast by the  
23 governor.

24 (4) Any person designated by resolution of the authority shall keep  
25 a record of the proceedings of the authority and shall be the custodian  
26 of all books, documents, and papers filed with the authority, the  
27 minute book or a journal of the authority, and the authority's official  
28 seal, if any. The person may cause copies to be made of all minutes  
29 and other records and documents of the authority, and may give  
30 certificates to the effect that such copies are true copies. All  
31 persons dealing with the authority may rely upon the certificates.

32 (5) Four members of the authority constitute a quorum. Members  
33 participating in a meeting through the use of any means of  
34 communication by which all members participating can hear each other  
35 during the meeting shall be deemed to be present in person at the  
36 meeting for all purposes. The authority may act on the basis of a  
37 motion except when authorizing the issuance and sale of bonds, in which  
38 case the authority shall act by resolution. Bond resolutions and other

1 resolutions shall be adopted upon the affirmative vote of four members  
2 of the authority, and shall be signed by those members voting yes.  
3 Motions shall be adopted upon the affirmative vote of a majority of a  
4 quorum of members present at any meeting of the authority. All actions  
5 taken by the authority shall take effect immediately without need for  
6 publication or other public notice. A vacancy in the membership of the  
7 authority does not impair the power of the authority to act under this  
8 chapter.

9 (6) The members of the authority shall be compensated in accordance  
10 with RCW 43.03.240 and shall be entitled to reimbursement, solely from  
11 the funds of the authority, for travel expenses as determined by the  
12 authority incurred in the discharge of their duties under this chapter.

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