

NO. 83597-7

SUPREME COURT OF THE STATE OF WASHINGTON

Perry Mills,

Respondent,

v.

Western Washington University,

Cross-Petitioner.

ADDITIONAL
AUTHORITIES

RAP 10.8

Cross-Petitioner Western Washington University by and through its attorneys, Attorney General Robert M. McKenna and Senior Counsel Derek L. Edwards, submits the following additional authorities in accordance with RAP 10.8:

House Comm. on Higher Education, H.B. Rep. on Substitute House Bill 915, 48th Leg., Reg. Sess. (Wash. 1984) (attached) (relating to RCW 28B.10.648).

This authority relates to the following issue:

1. Under RCW 34.05.449(5), administrative hearings may be closed pursuant to applicable rules and provisions of law. The rules for faculty disciplinary hearings promulgated by WWU stated that hearings must be closed. Did the Court of Appeals err in ruling that disciplinary hearings must be open?

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ORIGINAL

This authority supplements pages 9-10 of Cross-Petitioner Western Washington University's Supplemental Brief.

RESPECTFULLY SUBMITTED this 7th day of September, 2010.

ROBERT M. MCKENNA
Attorney General


DEREK L. EDWARDS,
WSBA No. 18889
Senior Counsel,
Assistant Attorney General
Attorney for Cross-Petitioner
Western Washington University

PROOF OF SERVICE

I certify that I served a copy of this document on all parties
or their counsel of record on the date below as follows:

ABC/Legal Messenger to:

James E. Lobsenz
Carney Badley Spellman, P.S.
701 Fifth Avenue, Suite 3600
Seattle, WA 98104-7010

I certify under penalty of perjury under the laws of the state
of Washington that the foregoing is true and correct.

DATED this 7th day of September, 2010, at Seattle, WA.


Linda Borla

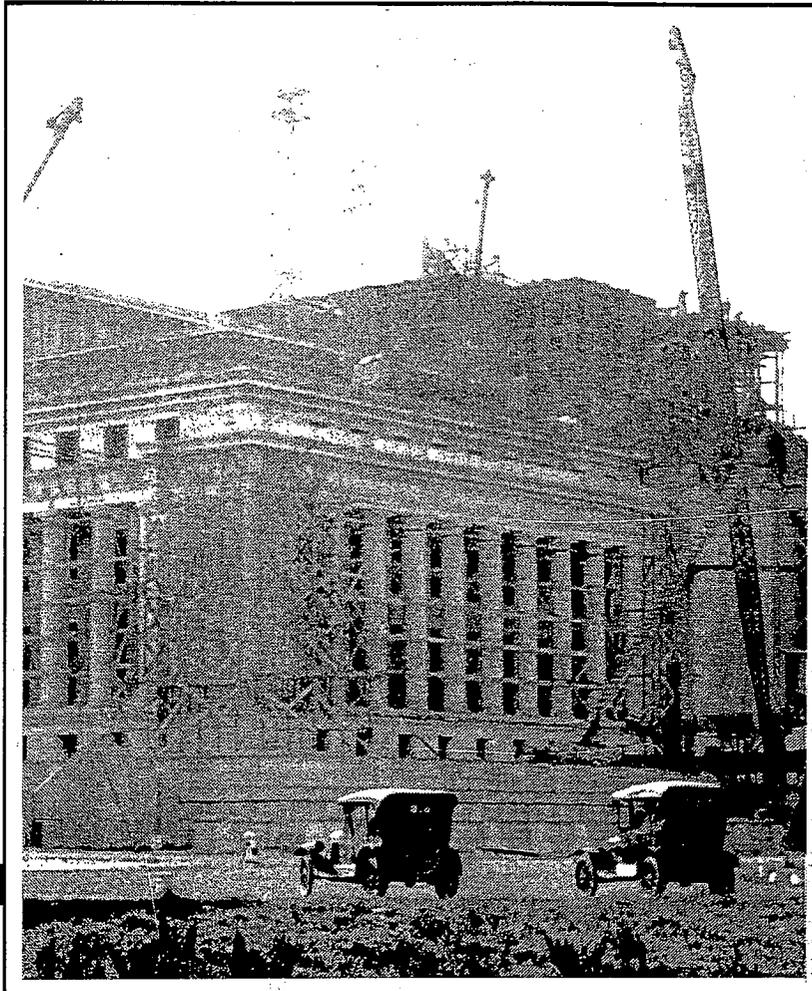
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FINAL



LEGISLATIVE REPORT

1 ♦ 9 ♦ 8 ♦ 4

FORTY-EIGHTH LEGISLATURE OF WASHINGTON STATE

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For more detailed information regarding this legislation, contact:

The House Office of Program Research
205 House Office Building
Olympia, Washington 98504
(206) 753-0520

Senate Committee Services
101 Senate Office Building
Olympia, Washington 98504
(206) 753-6826

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	31	16	(Senate amended)
House			(House concurred in part)

Free Conference Committee

Senate	32	17
House	95	0

EFFECTIVE: June 7, 1984

PARTIAL VETO SUMMARY:

The governor vetoed the section which imposed liability on financial institutions which cash reimbursement checks absent the dual endorsement. (See VETO MESSAGE)

SHB 914

C 202 L 84

By Committee on Judiciary (originally sponsored by Representatives West and Dellwo)

Changing the mechanics' and materialmen's lien laws to provide increased protection for subcontractors and lien claimants.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

A mechanic's lien is a claim upon property to secure priority of payment of the price or value of work performed and materials furnished in building on or improving the property. A mechanic's lien normally provides little protection for a subcontractor's claim that the general contractor has not paid the subcontractor, because the lien is usually junior to a first recorded construction mortgage. In response to this, the law provides a subcontractor or other potential mechanic's lien claimant on a private and unbonded construction project, with a priority on certain construction loan funds disbursed by a lender after notice from the subcontractor of an unpaid bill. The priority may be claimed by serving a notice of claim -- a stop notice -- on the construction lender when a payment on the subcontractor's purchase order or contract is more than 20 days overdue. The subcontractor must obtain the information needed to serve a stop notice for each job. A lender who

receives a stop notice withholds funds to satisfy the notice from any future draws on the construction loan funds. If the lender allows further draws without withholding, then the lender's mortgage is subordinated to the subsequent mechanics lien.

Under the law, notice of intent to claim a materialmen's lien is given to the owner or reputed owner of the property.

SUMMARY:

The time period a potential lien claimant must wait for payment on an overdue bill before serving a stop notice on the construction lender is reduced from 20 to five days.

Provisions are added which make certain information available to subcontractors and lien claimants so they can exercise rights available to them under existing law. Prime contractors at construction projects costing more than \$5,000 are required to post a sign at the worksite which identifies the property, the owner, and the prime contractor. Prime contractors at residential construction projects are required to provide additional information on the sign including the identification of the lender administering the interim construction financing, or the details of a payment bond for 50 percent of the amount of the construction project.

Notice of the intent to claim a materialmen's lien is required to be given to a prime contractor who has complied with the sign posting requirement, as well as the owner of the property.

VOTES ON FINAL PASSAGE:

House	67	29	
Senate	42	1	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 7, 1984

SHB 915

C 137 L 84

By Committee on Higher Education (originally sponsored by Representative Burns)

Establishing procedures and providing certain immunities to faculty peer review committees.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

Peer review is considered an important aspect of the personnel practices of colleges and universities. For the peer review process to be successful, it is essential that the faculty who participate as reviewers are able to express their honest judgments without fear of retaliation. Otherwise, the faculty who are reviewing a colleague's credentials for awarding tenure, promotion, or other positive personnel action may be reluctant to express their true evaluations. Faculty sitting on disciplinary committees are under even more pressure to render a favorable judgment for fear that an adverse decision might result in a lawsuit.

SUMMARY:

Employees, agents or students of institutions of higher learning serving on peer review committees determining certain personnel decisions, are immune from civil action arising from the good faith performance of their duties.

Peer review procedures shall be conducted privately under rules adopted by the institution. Procedures are outlined for providing the evaluated person with a statement of findings, including a list of reasons for any unfavorable decision.

If the committee's findings are challenged, the institution initiating the proceedings shall defend members of the review committee, and any individuals who in good faith and at the institution's request, have provided the committee with written or oral statements.

VOTES ON FINAL PASSAGE:

House 92 0
Senate 45 0 (Senate amended)
House 96 0 (House concurred)

EFFECTIVE: June 7, 1984

HB 939

C 213 L 84

By Representatives Appelwick and Hine

Modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings.

House Committee on Local Government

Senate Committee on Local Government

BACKGROUND:

Existing law allows counties, cities and towns to cause the demolition of buildings that are unfit for human habitation or for other uses due to disrepair, structural defects, fire hazards, accidents, overcrowding, or other conditions unfavorable to the health and welfare of the residents of the county, city or town. The process involves: (1) investigation of the building; (2) preliminary findings of unfitness; (3) notification of the building owner; (4) final determination after a hearing; (5) further notice to property owners; (6) possible appeals to an appeal body, and (7) finally demolition. An assessment for demolition costs is made against the property. Appeal to the superior court is possible.

SUMMARY:

The procedure is altered to notify the owners of buildings subject to potential demolition under the unfit dwellings, buildings and structures act. Notice is to be by personal service or mailing to each person appearing on tax roll records as an owner of the building at the address of the building. Notice of potential demolition of a building would also have to be made to each person with any recorded right, title, lien or interest in the building. Requirements are stricken concerning notice being published in a newspaper and posted in three places around the city, town or county.

VOTES ON FINAL PASSAGE:

House 94 0
Senate 44 0 (Senate amended)
House (House refused to concur)

Free Conference Committee

Senate 44 1
House 98 0

EFFECTIVE: June 7, 1984