

NEW SECTION. Sec. 3. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate January 31, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

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CHAPTER 23  
[Substitute Senate Bill No. 128]  
HIGHER EDUCATION--PERSONNEL, CLAIMS AGAINST--  
DEFENSES--INSURANCE

AN ACT Relating to higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The term "institution of higher education" whenever used in this 1972 act, shall be held and construed to mean any public institution of higher education in Washington. The term "educational board" whenever used in this 1972 act, shall be held and construed to mean the state board for community college education, council on higher education, and the commission on higher education.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

Whenever any action, claim or proceeding is instituted against any regent, trustee, officer, employee or agent of an institution of higher education or member of the governing body, officer, employee or agent of an educational board arising out of the performance or failure of performance of duties for, or employment with such institution or educational board, the board of regents or board of trustees of the institution or governing body of the educational board may grant a request by such person that the attorney general be authorized to defend said claim, suit or proceeding, and the costs of defense of such action shall be paid from the appropriation made for the support of the institution or educational board to which said person is attached. If a majority of the members of a board of regents or trustees or educational board is or would be personally

affected by such findings and determination, or is otherwise unable to reach any decision on the matter, the administrative board created by RCW 43.17.080, as now or hereafter amended, is authorized to grant a request. When a request for defense has been authorized, then any obligation for payment arising from such action, claim or proceedings shall be paid from the tort claims revolving fund, notwithstanding the nature of the claim, pursuant to the provisions of RCW 4.92.130 through 4.92.170, as now or hereafter amended: PROVIDED, That this section shall not apply unless the authorizing body has made a finding and determination by resolution that such regent, trustee, member of the educational board, officer, employee or agent was acting in good faith.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The board of regents and the board of trustees of each of the state's institutions of higher education and governing body of an educational board are authorized to purchase insurance to protect and hold personally harmless any regent, trustee, officer, employee or agent of their respective institution, any member of an educational board, its officers, employees or agents, from any action, claim or proceeding instituted against him arising out of the performance or failure of performance of duties for or employment with such institution or educational board and to hold him harmless from any expenses connected with the defense, settlement or monetary judgments from such actions.

NEW SECTION. Sec. 4. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate January 31, 1972.

Passed the House February 11, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

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CHAPTER 24

[Senate Bill No. 152]

WASHINGTON STATE FERRY SYSTEM

AN ACT Relating to the Washington state ferry system; amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 85, Laws of 1970 ex. sess. and RCW 82.36.020; amending section 46.68.100, chapter 12, Laws of