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SENATE BILL 5411

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State of Washington

54th Legislature

1995 Regular Session

By Senator Kohl

Read first time 01/23/95. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education tuition fees; amending RCW  
2 28B.15.012, 28B.15.066, 28B.15.067, and 28B.15.076; adding new sections  
3 to chapter 28B.15 RCW; creating new sections; repealing RCW 28B.15.202,  
4 28B.15.402, and 28B.15.502; providing an effective date; and declaring  
5 an emergency.

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

7 NEW SECTION. **Sec. 1.** Financing the operation of public colleges  
8 and universities in the state of Washington involves multiple funding  
9 sources, tuition being one of these and state appropriations another.  
10 Tuition is a major consideration affecting college attendance as it  
11 represents to many students the primary cost associated with obtaining  
12 a college education. However, tuition is only one part of the funding  
13 package that finances the cost of instruction in the public  
14 institutions of higher education. Appropriated state tax revenues  
15 contribute a significant portion of the cost of instruction. This  
16 model of cost sharing struggles to define and maintain a proper balance  
17 between student and state funding. The student share, in the form of  
18 tuition, is increasing. As this share increases, it is imperative that

1 the tuition increase be applied toward quality enhancements that are of  
2 direct benefit to the students.

3 **Sec. 2.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read  
4 as follows:

5 Whenever used in chapter 28B.15 RCW:

6 (1) The term "institution" shall mean a public university, college,  
7 or community college within the state of Washington.

8 (2) The term "resident student" shall mean: (a) A financially  
9 independent student who has had a domicile in the state of Washington  
10 for the period of one year immediately prior to the time of  
11 commencement of the first day of the semester or quarter for which the  
12 student has registered at any institution and has in fact established  
13 a bona fide domicile in this state primarily for purposes other than  
14 educational; (b) a dependent student, if one or both of the student's  
15 parents or legal guardians have maintained a bona fide domicile in the  
16 state of Washington for at least one year immediately prior to  
17 commencement of the semester or quarter for which the student has  
18 registered at any institution; (c) a student classified as a resident  
19 based upon domicile by an institution on or before May 31, 1982, who  
20 was enrolled at a state institution during any term of the 1982-1983  
21 academic year, so long as such student's enrollment (excepting summer  
22 sessions) at an institution in this state is continuous; (d) any  
23 student who has spent at least seventy-five percent of both his or her  
24 junior and senior years in high schools in this state, whose parents or  
25 legal guardians have been domiciled in the state for a period of at  
26 least one year within the five-year period before the student graduates  
27 from high school, and who enrolls in a public institution of higher  
28 education within six months of leaving high school, for as long as the  
29 student remains continuously enrolled for three quarters or two  
30 semesters in any calendar year; (e) a student who is the spouse or a  
31 dependent of a person who is on active military duty stationed in the  
32 state; or (f) a student who meets the requirements of RCW 28B.15.0131:  
33 PROVIDED, That a nonresident student enrolled for more than six hours  
34 per semester or quarter shall be considered as attending for primarily  
35 educational purposes, and for tuition and fee paying purposes only such  
36 period of enrollment shall not be counted toward the establishment of  
37 a bona fide domicile of one year in this state unless such student

1 proves that the student has in fact established a bona fide domicile in  
2 this state primarily for purposes other than educational.

3 (3) The term "nonresident student" shall mean any student who does  
4 not qualify as a "resident student" under the provisions of RCW  
5 28B.15.012 and 28B.15.013. A nonresident student shall include:

6 (a) A student attending an institution with the aid of financial  
7 assistance provided by another state or governmental unit or agency  
8 thereof, such nonresidency continuing for one year after the completion  
9 of such semester or quarter.

10 (b) A person who is not a citizen of the United States of America  
11 who does not have permanent or temporary resident status or does not  
12 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
13 States immigration and naturalization service or is not otherwise  
14 permanently residing in the United States under color of law and who  
15 does not also meet and comply with all the applicable requirements in  
16 RCW 28B.15.012 and 28B.15.013.

17 (4) The term "domicile" shall denote a person's true, fixed and  
18 permanent home and place of habitation. It is the place where the  
19 student intends to remain, and to which the student expects to return  
20 when the student leaves without intending to establish a new domicile  
21 elsewhere. The burden of proof that a student, parent or guardian has  
22 established a domicile in the state of Washington primarily for  
23 purposes other than educational lies with the student.

24 (5) The term "dependent" shall mean a person who is not financially  
25 independent. Factors to be considered in determining whether a person  
26 is financially independent shall be set forth in rules and regulations  
27 adopted by the higher education coordinating board and shall include,  
28 but not be limited to, the state and federal income tax returns of the  
29 person and/or the student's parents or legal guardian filed for the  
30 calendar year prior to the year in which application is made and such  
31 other evidence as the board may require.

32 (6) The term "first professional" shall mean doctor of medicine,  
33 doctor of dental surgery, or doctor of veterinary medicine degree  
34 program.

35 **Sec. 3.** RCW 28B.15.066 and 1993 c 379 s 205 are each amended to  
36 read as follows:

37 It is the intent of the legislature that:

1 In making appropriations from the state's general fund to  
2 institutions of higher education, each appropriation shall conform to  
3 the following:

4 (1) The appropriation shall be reduced by the amount of operating  
5 fees revenue estimated to be collected from students enrolled at the  
6 state-funded enrollment level specified in the omnibus biennial  
7 operating appropriations act and the estimated interest on operating  
8 fees revenue, minus obligations under RCW 28B.15.820 and 43.99I.040  
9 minus the amount of surcharge tuition fees authorized in sections 6 (2)  
10 and (3), 7 (2) and (3), and 8(2) of this act and minus the amount of  
11 waived operating fees authorized under RCW 28B.15.910;

12 (2) The appropriation shall not be reduced by the amount of  
13 operating fees revenue collected from students enrolled above the  
14 state-funded level, but within the over-enrollment limitations,  
15 specified in the omnibus biennial operating appropriations act; ~~((and))~~

16 (3) The general fund state appropriation shall not be reduced by  
17 the amount of operating fees revenue collected as a result of waiving  
18 less operating fees revenue than the amounts authorized under RCW  
19 28B.15.910;

20 (4) The general fund state appropriation shall not be reduced by  
21 the amount of operating fees revenue collected as a result of  
22 institution governing board decisions to levy surcharge tuition fees  
23 paid by nonresident undergraduate students and resident and nonresident  
24 graduate and first professional students under sections 6(2), 7(2), and  
25 8(2) of this act; and

26 (5) The general fund state appropriation shall not be reduced by  
27 the amount of operating fees revenue collected as a result of  
28 institution governing board decisions to levy surcharge tuition fees on  
29 credits above one hundred fifteen percent of the maximum number of  
30 credit hours required for their respective degree programs.

31 **Sec. 4.** RCW 28B.15.067 and 1992 c 231 s 4 are each amended to read  
32 as follows:

33 (1) Base tuition fees shall be established and adjusted annually  
34 under the provisions of this chapter beginning with the 1987-88  
35 academic year. Such fees shall be identical, subject to other  
36 provisions of this chapter, for students enrolled at either state  
37 university, for students enrolled at the regional universities and The  
38 Evergreen State College, and for students enrolled at any community

1 college. Tuition fees shall reflect the undergraduate and graduate  
2 educational costs of the state universities, the regional universities  
3 and the community colleges, respectively, in ~~((the amounts prescribed~~  
4 ~~in))~~ accordance with the provisions of this chapter.

5 (2) Surcharge tuition fees levied by the institution's governing  
6 boards as provided in sections 6 (2) and (3), 7 (2) and (3), and 8(2)  
7 of this act may vary by quarter or semester, by program, by  
8 institution, and by campus for students enrolled at state universities,  
9 regional universities, The Evergreen State College, and at any  
10 community college.

11 (3) Surcharge tuition fees levied by the institution's governing  
12 boards as provided in sections 6(2) and (3), 7 (2) and (3), and 8(2) of  
13 this act shall be used for quality enhancements that are of direct  
14 benefit to students. These quality enhancements may include (a)  
15 increased number of offerings per term of class sections of required  
16 general education courses, (b) increased financial aid dollars  
17 available to qualified students, (c) increased enrollment, and (d)  
18 additional opportunities for students seeking a specific vocational  
19 degree. Quality enhancements do not include dollars for faculty  
20 salaries.

21 (4) The total tuition fees established under this chapter shall not  
22 apply to high school students enrolling in community colleges under RCW  
23 28A.600.300 through 28A.600.395.

24 **Sec. 5.** RCW 28B.15.076 and 1989 c 245 s 4 are each amended to read  
25 as follows:

26 The higher education coordinating board shall determine and  
27 transmit amounts constituting approved undergraduate and graduate  
28 educational costs to the several boards of regents and trustees of the  
29 state institutions of higher education by November 10 of each even-  
30 numbered year except the year 1990 for which the transmittal shall be  
31 made by December 17. Base tuition fees shall be based on such costs in  
32 accordance with the provisions of this chapter.

33 NEW SECTION. **Sec. 6.** TUITION AND FEES--UNIVERSITY OF WASHINGTON  
34 AND WASHINGTON STATE UNIVERSITY--BUILDING FEES--SERVICES AND ACTIVITIES  
35 FEES. Total tuition fees and maximum services and activities fees for  
36 full-time students at the University of Washington and Washington State  
37 University for other than the summer term shall be as follows:

1 (1) Base tuition. (a) For all students not enrolled in a program  
2 leading to a first professional degree, base tuition fees shall be a  
3 percent, as set forth in (i) through (iv) of this subsection, of the  
4 per student undergraduate or graduate educational costs at the state  
5 universities. If educational costs decrease, or increase at a rate  
6 less than three percent over the previous academic year's educational  
7 costs, base tuition fees shall increase a minimum of three percent each  
8 academic year. If educational costs increase at a rate greater than  
9 six percent over the previous academic year's educational costs, base  
10 tuition fees shall increase a maximum of six percent each academic  
11 year. The percent of educational cost shall be as follows:

12 (i) Resident undergraduate students and all other resident students  
13 not in graduate or law programs: 41.1 percent of undergraduate  
14 educational costs;

15 (ii) Nonresident undergraduate students and all other nonresident  
16 students not in graduate or law programs: 122.9 percent of  
17 undergraduate educational costs;

18 (iii) Resident graduate and law students: 28.4 percent of graduate  
19 educational costs; and

20 (iv) Nonresident graduate and law students: 73.6 percent of  
21 graduate educational costs.

22 (b) Base tuition fees for first professional students shall be a  
23 percent, as set forth in (i) and (ii) of this subsection, of tuition  
24 for graduate and law students:

25 (i) Resident first professional students: 167 percent of (a)(iii)  
26 of this subsection;

27 (ii) Nonresident first professional students: 167 percent of  
28 (a)(iv) of this subsection.

29 (2) Surcharge tuition. For any student except resident  
30 undergraduate students and other resident students not in graduate  
31 study or law programs or enrolled in programs leading to a first  
32 professional degree: Each academic year the governing board of the  
33 institution may levy surcharge tuition fees up to six percent above  
34 base tuition fees set under subsection (1) of this section.

35 (3) Surcharge tuition fees for credits beyond 115 percent of  
36 graduation requirement. The governing board of the institution may  
37 require any student who has accumulated more than one hundred fifteen  
38 percent of the maximum number of credit hours required for their  
39 respective degree program to pay surcharge tuition fees above tuition

1 fees specified in subsections (1) and (2) of this section. Each  
2 institution shall distribute revenue from these additional fees between  
3 the respective institution's local operating fee account and its state  
4 building fee account in the same proportion as revenue from students  
5 below the credit levels requiring the additional fees.

6 (4) Building fees. The building fee for each academic year shall  
7 be based on the percent, as set forth in (a) through (f) of this  
8 subsection, of tuition fees specified in subsections (1) and (2) of  
9 this section:

10 (a) Resident undergraduate students and all other resident students  
11 not in graduate study or law programs or enrolled in programs leading  
12 to a first professional degree: 5 percent;

13 (b) Nonresident undergraduate students and all other nonresident  
14 students not in graduate study or law programs or enrolled in programs  
15 leading to a first professional degree: 4.5 percent;

16 (c) Resident graduate and law students not enrolled in a first  
17 professional degree program: 3 percent;

18 (d) Nonresident graduate and law students not enrolled in a first  
19 professional degree program: 3.5 percent;

20 (e) Resident first professional students: 5 percent; and

21 (f) Nonresident first professional students: 3 percent.

22 (5) Services and activities fee. The governing boards of the state  
23 universities shall charge to and collect from each student a services  
24 and activities fee. The governing board may increase the existing fee  
25 annually, consistent with budgeting procedures set forth in RCW  
26 28B.15.045, by a percentage not to exceed the annual percentage  
27 increase in resident undergraduate base tuition fees. Such percentage  
28 increase shall not apply to that portion of the services and activities  
29 fee previously committed to the repayment of bonded debt. The services  
30 and activities fee committee provided for in RCW 28B.15.045 may  
31 initiate a request to the governing board for a fee increase.

32 NEW SECTION. **Sec. 7.** TUITION AND FEES--REGIONAL UNIVERSITIES AND  
33 THE EVERGREEN STATE COLLEGE--BUILDING FEES--SERVICES AND ACTIVITIES  
34 FEES. Total tuition fees and maximum services and activities fees  
35 charged to all full-time students at the regional universities and The  
36 Evergreen State College for other than the summer term shall be as  
37 follows:

1 (1) Base tuition. Base tuition fees shall be a percent, as set  
2 forth in (a) through (d) of this subsection, of the per student  
3 undergraduate or graduate educational costs at the regional  
4 universities. If educational costs decrease, or increase at a rate  
5 less than three percent over the previous academic year's educational  
6 costs, base tuition fees shall increase a minimum of three percent each  
7 academic year. If educational costs increase at a rate greater than  
8 six percent over the previous academic year's educational costs, base  
9 tuition fees shall increase a maximum of six percent each academic  
10 year.

11 (a) Resident undergraduate students and all other resident students  
12 not in graduate study programs: 31.5 percent of undergraduate  
13 educational costs;

14 (b) Nonresident undergraduate students and all other nonresident  
15 students not in graduate study programs: 123 percent of undergraduate  
16 educational costs;

17 (c) Resident graduate students: 28.6 percent of graduate  
18 educational costs; and

19 (d) Nonresident graduate students: 92 percent of graduate  
20 educational costs.

21 (2) Surcharge tuition. For any student except resident  
22 undergraduate students and other resident students not in graduate  
23 study programs: Each academic year the governing board of the  
24 institution may levy surcharge tuition fees up to six percent above  
25 base tuition fees set under subsection (1) of this section.

26 (3) Surcharge tuition fees for credits beyond 115 percent of  
27 graduation requirement. The governing board of the institution may  
28 require any student who has accumulated more than one hundred fifteen  
29 percent of the maximum number of credit hours required for their  
30 respective degree program to pay surcharge tuition fees above tuition  
31 fees specified in subsections (1) and (2) of this section. Each  
32 institution shall distribute revenue from these additional fees between  
33 the respective institution's local operating fee account and its state  
34 building fee account in the same proportion as revenue from students  
35 below the credit levels requiring the additional fees.

36 (4) Building fees. The building fee for each academic year shall  
37 be based on the percent, as set forth in (a) through (d) of this  
38 subsection, of tuition fees specified in subsections (1) and (2) of  
39 this section:

1 (a) Resident undergraduate students and all other resident students  
2 not in graduate study programs: 4 percent;

3 (b) Nonresident undergraduate students and all other nonresident  
4 students not in graduate study programs: 4 percent;

5 (c) Resident graduate students: 2.5 percent; and

6 (d) Nonresident graduate students: 3 percent.

7 (5) Services and activities fee. The governing boards of each of  
8 the regional universities and The Evergreen State College shall charge  
9 to and collect from each student, a services and activities fee. The  
10 governing board may increase the existing fee annually, consistent with  
11 budgeting procedures set forth in RCW 28B.15.045, by a percentage not  
12 to exceed the annual percentage increase in resident undergraduate base  
13 tuition fees. Such percentage increase shall not apply to that portion  
14 of the services and activities fee previously committed to the  
15 repayment of bonded debt. The services and activities fee committee  
16 provided for in RCW 28B.15.045 may initiate a request to the governing  
17 board for a fee increase.

18 NEW SECTION. **Sec. 8.** TUITION AND FEES--COMMUNITY COLLEGES--  
19 BUILDING FEES--SERVICES AND ACTIVITIES FEES--FEES FOR SUMMER SCHOOL AND  
20 CERTAIN COURSES. Total tuition fees and maximum services and  
21 activities fees at each community college for full-time students for  
22 other than the summer term shall be set by the state board for  
23 community and technical colleges as follows:

24 (1) Base tuition. Base tuition fees shall be a percent, as set  
25 forth in (a) and (b) of this subsection, of the per student  
26 undergraduate costs at the community colleges. If educational costs  
27 decrease, or increase at a rate less than three percent over the  
28 previous academic year's educational costs, base tuition fees shall  
29 increase a minimum of three percent each academic year. If educational  
30 costs increase at a rate greater than six percent over the previous  
31 academic year's educational costs, base tuition fees shall increase a  
32 maximum of six percent each academic year.

33 (a) Resident students: 28.8 percent of undergraduate educational  
34 costs; and

35 (b) Nonresident students: 122.7 percent of undergraduate  
36 educational costs.

37 (2) Surcharge tuition. For any student except resident students:  
38 Each academic year the governing board of the institution may levy

1 surcharge tuition fees up to six percent above base tuition fees set  
2 under subsection (1) of this section.

3 (3) Building fees. The building fee for each academic year shall  
4 be based on the percent, as set forth in (a) and (b) of this  
5 subsection, of tuition fees specified in subsections (1) and (2) of  
6 this section:

7 (a) Resident students: 11 percent; and

8 (b) Nonresident students: 8.5 percent.

9 (4) Services and activities fee. The governing boards of each of  
10 the state community colleges shall charge to and collect from each  
11 student a services and activities fee. Each governing board may  
12 increase the existing fee annually, consistent with budgeting  
13 procedures set forth in RCW 28B.15.045, by a percentage not to exceed  
14 the annual percentage increase in resident student base tuition fees.  
15 Such percentage increase shall not apply to that portion of the  
16 services and activities fee previously committed to the repayment of  
17 bonded debt. The services and activities fee committee provided for in  
18 RCW 28B.15.045 may initiate a request to the governing board for a fee  
19 increase.

20 (5) Total tuition and services and activities fees. Tuition and  
21 services and activities fees consistent with subsection (4) of this  
22 section shall be set by the state board for community and technical  
23 colleges for summer school students unless the community college  
24 charges fees under RCW 28B.15.515.

25 (6) Other fees. Subject to the limitations of RCW 28B.15.910, each  
26 governing board may charge such fees for ungraded courses, noncredit  
27 courses, community services courses, and self-supporting courses as it,  
28 in its discretion, may determine, consistent with the rules of the  
29 state board for community and technical colleges.

30 NEW SECTION. **Sec. 9.** Captions as used in this act do not  
31 constitute any part of the law.

32 NEW SECTION. **Sec. 10.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 28B.15.202 and 1993 sp.s. c 18 s 8, 1993 c 379 s 202, 1992  
35 c 231 s 7, 1985 c 390 s 19, 1982 1st ex.s. c 37 s 18, & 1981 c 257 s 6;

1 (2) RCW 28B.15.402 and 1993 sp.s. c 18 s 11, 1993 c 379 s 203, 1992  
2 c 231 s 10, 1989 c 245 s 1, 1985 c 390 s 24, 1982 1st ex.s. c 37 s 19,  
3 & 1981 c 257 s 7; and

4 (3) RCW 28B.15.502 and 1993 sp.s. c 18 s 12, 1993 c 379 s 204, 1992  
5 c 231 s 11, 1991 c 353 s 2, 1985 c 390 s 25, 1982 1st ex.s. c 37 s 10,  
6 & 1981 c 257 s 8.

7 NEW SECTION. **Sec. 11.** Sections 6 through 8 of this act are each  
8 added to chapter 28B.15 RCW.

9 NEW SECTION. **Sec. 12.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and shall take  
12 effect July 1, 1995.

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