
SECOND SUBSTITUTE SENATE BILL 5770

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Jacobsen and Horn; by request of Governor Locke)

READ FIRST TIME 03/01/2002.

1 AN ACT Relating to tuition setting authority, tuition levels,
2 tuition waivers, and the use of tuition in higher education; amending
3 RCW 28B.15.031, 28B.15.067, 28B.15.069, 28B.15.910, 28B.15.910, and
4 28B.15.100; repealing RCW 28B.15.066; providing an effective date; and
5 providing an expiration date.

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

7 **Sec. 1.** RCW 28B.15.031 and 1996 c 142 s 2 are each amended to read
8 as follows:

9 The term "operating fees" as used in this chapter shall include the
10 fees, other than building fees, charged all students registering at the
11 state's colleges and universities but shall not include fees for short
12 courses, self-supporting degree credit programs and courses, marine
13 station work, experimental station work, correspondence or extension
14 courses, and individual instruction and student deposits or rentals,
15 disciplinary and library fines, which colleges and universities shall
16 have the right to impose, laboratory, gymnasium, health, technology and
17 student activity fees, or fees, charges, rentals, and other income
18 derived from any or all revenue producing lands, buildings and
19 facilities of the colleges or universities heretofore or hereafter

1 acquired, constructed or installed, including but not limited to income
2 from rooms, dormitories, dining rooms, hospitals, infirmaries, housing
3 or student activity buildings, vehicular parking facilities, land, or
4 the appurtenances thereon, or such other special fees as may be
5 established by any college or university board of trustees or regents
6 from time to time. All moneys received as operating fees at any
7 institution of higher education shall be deposited in a local account
8 containing only operating fees revenue and related interest: PROVIDED,
9 That a minimum of three and one-half percent of operating fees shall be
10 retained by the institutions(~~(, except the technical colleges,)~~) for
11 the purposes of RCW 28B.15.820. Local operating fee accounts shall not
12 be subject to appropriation by the legislature or allotment procedures
13 under chapter 43.88 RCW.

14 **Sec. 2.** RCW 28B.15.067 and 1997 c 403 s 1 are each amended to read
15 as follows:

16 (1) Tuition fees shall be established under the provisions of this
17 chapter.

18 (2) (~~Academic year tuition for full-time students at the state's~~
19 ~~institutions of higher education for the 1997-98 academic year, other~~
20 ~~than the summer term, shall be as provided in this subsection.~~

21 ~~(a) At the University of Washington and Washington State~~
22 ~~University:~~

23 ~~(i) For resident undergraduate students and other resident students~~
24 ~~not in graduate, law, or first professional programs, two thousand nine~~
25 ~~hundred eighty-eight dollars;~~

26 ~~(ii)(A) For nonresident undergraduate students and other~~
27 ~~nonresident students at the University of Washington not in graduate,~~
28 ~~law, or first professional programs, ten thousand two hundred seventy-~~
29 ~~eight dollars;~~

30 ~~(B) For nonresident undergraduate students and other nonresident~~
31 ~~students at Washington State University not in graduate or first~~
32 ~~professional programs, nine thousand eight hundred seventy dollars;~~

33 ~~(iii) For resident graduate students, four thousand eight hundred~~
34 ~~fifty-four dollars;~~

35 ~~(iv) For nonresident graduate students, twelve thousand five~~
36 ~~hundred eighty-eight dollars;~~

37 ~~(v) For resident law students, five thousand ten dollars;~~

1 ~~(vi) For nonresident law students, twelve thousand nine hundred~~
2 ~~fifteen dollars;~~

3 ~~(vii) For resident first professional students, eight thousand one~~
4 ~~hundred twelve dollars; and~~

5 ~~(viii) For nonresident first professional students, twenty one~~
6 ~~thousand twenty four dollars.~~

7 ~~(b) At the regional universities and The Evergreen State College:~~

8 ~~(i) For resident undergraduate and all other resident students not~~
9 ~~in graduate programs, two thousand two hundred eleven dollars;~~

10 ~~(ii) For nonresident undergraduate and all other nonresident~~
11 ~~students not in graduate programs, eight thousand six hundred forty six~~
12 ~~dollars;~~

13 ~~(iii) For resident graduate students, three thousand seven hundred~~
14 ~~twenty six dollars; and~~

15 ~~(iv) For nonresident graduate students, eleven thousand nine~~
16 ~~hundred seventy six dollars.~~

17 ~~(c) At the community colleges:~~

18 ~~(i) For resident students, one thousand three hundred eleven~~
19 ~~dollars; and~~

20 ~~(ii) For nonresident students, five thousand five hundred eighty~~
21 ~~six dollars.~~

22 ~~(3)) Academic year tuition for full-time students at the state's~~
23 ~~institutions of higher education beginning with the 1998-99 academic~~
24 ~~year, other than the summer term, shall be as provided in this~~
25 ~~subsection unless different rates are adopted in the omnibus~~
26 ~~appropriations act.~~

27 ~~(a) At the University of Washington and Washington State~~
28 ~~University:~~

29 ~~(i) For resident undergraduate students and other resident students~~
30 ~~not in graduate, law, or first professional programs, three thousand~~
31 ~~one hundred eight dollars;~~

32 ~~(ii)(A) For nonresident undergraduate students and other~~
33 ~~nonresident students at the University of Washington not in graduate,~~
34 ~~law, or first professional programs, eleven thousand one hundred thirty~~
35 ~~dollars;~~

36 ~~(B) For nonresident undergraduate students and other nonresident~~
37 ~~students at Washington State University not in graduate or first~~
38 ~~professional programs, ten thousand two hundred sixty-six dollars;~~

1 (iii) For resident graduate students, five thousand forty-six
2 dollars;

3 (iv) For nonresident graduate students, thirteen thousand ninety-
4 two dollars;

5 (v) For resident law students, five thousand three hundred seventy-
6 six dollars;

7 (vi) For nonresident law students, thirteen thousand seven hundred
8 eighty-two dollars;

9 (vii) For resident first professional students, eight thousand four
10 hundred thirty-six dollars; and

11 (viii) For nonresident first professional students, twenty-one
12 thousand eight hundred sixty-four dollars.

13 (b) At the regional universities and The Evergreen State College:

14 (i) For resident undergraduate and all other resident students not
15 in graduate programs, two thousand two hundred ninety-eight dollars;

16 (ii) For nonresident undergraduate and all other nonresident
17 students not in graduate programs, eight thousand nine hundred ninety-
18 one dollars;

19 (iii) For resident graduate students, three thousand eight hundred
20 seventy-six dollars; and

21 (iv) For nonresident graduate students, twelve thousand four
22 hundred fifty-six dollars.

23 (c) At the community colleges:

24 (i) For resident students, one thousand three hundred sixty-two
25 dollars; and

26 (ii) For nonresident students, five thousand eight hundred eight
27 dollars.

28 ~~((4) For the 1997-98 and 1998-99 academic years, the University of~~
29 ~~Washington shall use at least ten percent of the revenue received from~~
30 ~~the difference between a four percent increase in tuition fees and the~~
31 ~~actual increase charged to law students to assist needy low and middle-~~
32 ~~income resident law students. For the 1997-98 and 1998-99 academic~~
33 ~~years, the University of Washington shall use at least ten percent of~~
34 ~~the revenue received from the difference between a four percent~~
35 ~~increase in tuition fees and the actual increase charged to nonresident~~
36 ~~undergraduate students and all other nonresident students not in~~
37 ~~graduate, law, or first professional programs to assist needy low and~~
38 ~~middle-income resident undergraduate students and all other resident~~
39 ~~students not enrolled in graduate, law, or first professional programs.~~

1 ~~This requirement is in addition to the deposit requirements of the~~
2 ~~institutional aid fund under RCW 28B.15.820.~~

3 ~~(5)) (3)(a) Beginning with the 2002-03 academic year and ending~~
4 ~~with the 2007-08 academic year, the governing boards of the state~~
5 ~~universities, the regional universities, The Evergreen State College,~~
6 ~~and the state board for community and technical colleges may reduce or~~
7 ~~increase full-time tuition fees for all students other than resident~~
8 ~~undergraduates. Percentage increases in full-time tuition fees may~~
9 ~~exceed the fiscal growth factor under chapter 43.135 RCW. Reductions~~
10 ~~or increases may be made for all or portions of an institution's~~
11 ~~programs, campuses, courses, or students. The governing boards and the~~
12 ~~state board may adjust full-time tuition fees for factors that include~~
13 ~~time of day and day of week, delivery method, and campus to encourage~~
14 ~~full use of the state's educational facilities and resources.~~

15 ~~(b) Pursuant to RCW 43.135.055, state colleges and universities~~
16 ~~receiving general fund appropriations as part of the omnibus~~
17 ~~appropriations act may increase summer term tuition in excess of the~~
18 ~~fiscal growth factor. Tuition levels increased under this subsection~~
19 ~~shall not exceed the per credit hour rate calculated from the academic~~
20 ~~year tuition levels for all students, including resident~~
21 ~~undergraduates.~~

22 ~~(c) An amount equal to at least three and one-half percent of~~
23 ~~revenue received as a result of the difference in percentage rate of~~
24 ~~increase in resident graduate, law, and first professional tuition fees~~
25 ~~over the percentage rate of increase in resident undergraduate tuition~~
26 ~~fees must be used by the state universities, the regional universities,~~
27 ~~and The Evergreen State College to assist those resident graduate, law,~~
28 ~~and first professional degree students with demonstrated financial need~~
29 ~~and family income below the median for Washington state, to the extent~~
30 ~~that funds are available under this subsection. This requirement is in~~
31 ~~addition to the deposit requirements of the institutional financial aid~~
32 ~~fund under RCW 28B.15.820, but does not create an entitlement to~~
33 ~~financial aid.~~

34 ~~(4) Academic year tuition for full-time students at the state's~~
35 ~~institutions of higher education beginning with the 2008-09 academic~~
36 ~~year, other than summer term, shall be as charged during the 2007-08~~
37 ~~academic year unless different rates are adopted in the omnibus~~
38 ~~appropriations act.~~

1 (5) The tuition fees established under this chapter shall not apply
2 to high school students enrolling in participating institutions of
3 higher education under RCW 28A.600.300 through ~~((28A.600.395))~~
4 28A.600.400.

5 **Sec. 3.** RCW 28B.15.069 and 1997 c 403 s 2 are each amended to read
6 as follows:

7 (1) ~~((As used in this section, each of the following subsections is
8 a separate tuition category:~~

9 ~~(a) Resident undergraduate students and all other resident students
10 not in first professional, graduate, or law programs;~~

11 ~~(b) Nonresident undergraduate students and all other nonresident
12 students not in first professional graduate or law programs;~~

13 ~~(c) Resident graduate students;~~

14 ~~(d) Resident law students;~~

15 ~~(e) Nonresident graduate students;~~

16 ~~(f) Nonresident law students;~~

17 ~~(g) Resident first professional students; and~~

18 ~~(h) Nonresident first professional students.~~

19 (2) ~~Unless the context clearly requires otherwise, as used in this
20 section "first professional programs" means programs leading to one of
21 the following degrees: Doctor of medicine, doctor of dental surgery,
22 or doctor of veterinary medicine.~~

23 (3)) The building fee for each academic year shall be a percentage
24 of total tuition fees. This percentage shall be calculated by the
25 higher education coordinating board and be based on the actual
26 percentage the building fee is of total tuition for each tuition
27 category in the 1994-95 academic year, rounded up to the nearest half
28 percent.

29 ~~((4))~~ (2) The governing boards of each institution of higher
30 education, except for the technical colleges, shall charge to and
31 collect from each student a services and activities fee. A governing
32 board may increase the existing fee annually, consistent with budgeting
33 procedures set forth in RCW 28B.15.045, by a percentage not to exceed
34 the annual percentage increase in student tuition fees for ~~((the
35 applicable tuition category))~~ resident undergraduate students:
36 PROVIDED, That such percentage increase shall not apply to that portion
37 of the services and activities fee previously committed to the
38 repayment of bonded debt. These rate adjustments may exceed the fiscal

1 growth factor under chapter 43.135 RCW. For the 2003-04 academic year,
2 the services and activities fee shall be based upon the resident
3 undergraduate services and activities fee in 2002-03. The services and
4 activities fee committee provided for in RCW 28B.15.045 may initiate a
5 request to the governing board for a fee increase.

6 ~~((+5))~~ (3) Tuition and services and activities fees consistent
7 with subsection ~~((+4))~~ (2) of this section shall be set by the state
8 board for community and technical colleges for community college summer
9 school students unless the community college charges fees in accordance
10 with RCW 28B.15.515.

11 ~~((+6))~~ (4) Subject to the limitations of RCW 28B.15.910, each
12 governing board of a community college may charge such fees for
13 ungraded courses, noncredit courses, community services courses, and
14 self-supporting courses as it, in its discretion, may determine,
15 consistent with the rules of the state board for community and
16 technical colleges.

17 **Sec. 4.** RCW 28B.15.910 and 2000 c 152 s 3 are each amended to read
18 as follows:

19 (1) For the purpose of providing state general fund support to
20 public institutions of higher education, except for revenue waived
21 under programs listed in subsections (3) and (4) of this section, and
22 unless otherwise expressly provided in the omnibus ~~((state))~~
23 appropriations act, the total amount of operating fees revenue waived,
24 exempted, or reduced by a state university, a regional university, The
25 Evergreen State College, or the community colleges as a whole, shall
26 not exceed the percentage of total gross authorized operating fees
27 revenue in this subsection. As used in this section, "gross authorized
28 operating fees revenue" means the estimated gross operating fees
29 revenue as estimated under RCW 82.33.020 or as revised by the office of
30 financial management, before granting any waivers. This limitation
31 applies to all tuition waiver programs established before or after July
32 1, 1992.

- | | | |
|----|-----------------------------------|---------------------------------------|
| 33 | (a) University of Washington | ((21)) <u>18.9</u> percent |
| 34 | (b) Washington State University | ((20)) <u>18.0</u> percent |
| 35 | (c) Eastern Washington University | ((11)) <u>9.9</u> percent |
| 36 | (d) Central Washington University | ((8)) <u>7.2</u> percent |
| 37 | (e) Western Washington University | ((10)) <u>9.0</u> percent |
| 38 | (f) The Evergreen State College | ((6)) <u>5.4</u> percent |

1 (g) Community colleges as a whole ((35)) 31.5 percent

2 (2) The limitations in subsection (1) of this section apply to
3 waivers, exemptions, or reductions in operating fees contained in the
4 following:

5 (a) RCW 28B.10.265;

6 (b) RCW 28B.15.014;

7 (c) RCW 28B.15.100;

8 (d) RCW 28B.15.225;

9 (e) RCW 28B.15.380;

10 (f) RCW 28B.15.520;

11 (g) RCW 28B.15.526;

12 (h) RCW 28B.15.527;

13 (i) RCW 28B.15.543;

14 (j) RCW 28B.15.545;

15 (k) RCW 28B.15.555;

16 (l) RCW 28B.15.556;

17 (m) RCW 28B.15.615;

18 (n) RCW 28B.15.620;

19 (o) RCW 28B.15.628;

20 (p) RCW 28B.15.730;

21 (q) RCW 28B.15.740;

22 (r) RCW 28B.15.750;

23 (s) RCW 28B.15.756;

24 (t) RCW 28B.50.259; and

25 (u) RCW 28B.70.050((†

26 ~~(v) RCW 28B.80.580; and~~

27 ~~(w) During the 1997-99 fiscal biennium, the western interstate~~
28 ~~commission for higher education undergraduate exchange program for~~
29 ~~students attending Eastern Washington University)).~~

30 (3) The limitations in subsection (1) of this section do not apply
31 to waivers, exemptions, or reductions in services and activities fees
32 contained in the following:

33 (a) RCW 28B.15.522;

34 (b) RCW 28B.15.540; and

35 (c) RCW 28B.15.558.

36 (4) The total amount of operating fees revenue waived, exempted, or
37 reduced by institutions of higher education participating in the
38 western interstate commission for higher education western
39 undergraduate exchange program under RCW 28B.15.544 shall not exceed

1 the percentage of total gross authorized operating fees revenue in this
2 subsection.

3 (a) Washington State University ((1)) 0.9 percent

4 (b) Eastern Washington University ((3)) 2.7 percent

5 (c) Central Washington University ((3)) 2.7 percent

6 (5) The general fund state appropriation shall not be reduced by
7 the amount of operating fees revenue collected as a result of waiving
8 less operating fees revenue than the amounts authorized under this
9 section. State general fund appropriations shall not be provided for
10 revenue forgone as a result of or for waivers granted under RCW
11 28B.15.915.

12 **Sec. 5.** RCW 28B.15.910 and 2000 c 152 s 3 are each amended to read
13 as follows:

14 (1) For the purpose of providing state general fund support to
15 public institutions of higher education, except for revenue waived
16 under programs listed in subsections (3) and (4) of this section, and
17 unless otherwise expressly provided in the omnibus state appropriations
18 act, the total amount of operating fees revenue waived, exempted, or
19 reduced by a state university, a regional university, The Evergreen
20 State College, or the community colleges as a whole, shall not exceed
21 the percentage of total gross authorized operating fees revenue in this
22 subsection. As used in this section, "gross authorized operating fees
23 revenue" means the estimated gross operating fees revenue as estimated
24 under RCW 82.33.020 or as revised by the office of financial
25 management, before granting any waivers. This limitation applies to
26 all tuition waiver programs established before or after July 1, 1992.

27 (a) University of Washington 21 percent

28 (b) Washington State University 20 percent

29 (c) Eastern Washington University 11 percent

30 (d) Central Washington University 8 percent

31 (e) Western Washington University 10 percent

32 (f) The Evergreen State College 6 percent

33 (g) Community colleges as a whole 35 percent

34 (2) The limitations in subsection (1) of this section apply to
35 waivers, exemptions, or reductions in operating fees contained in the
36 following:

37 (a) RCW 28B.10.265;

38 (b) RCW 28B.15.014;

1 (c) RCW 28B.15.100;
2 (d) RCW 28B.15.225;
3 (e) RCW 28B.15.380;
4 (f) RCW 28B.15.520;
5 (g) RCW 28B.15.526;
6 (h) RCW 28B.15.527;
7 (i) RCW 28B.15.543;
8 (j) RCW 28B.15.545;
9 (k) RCW 28B.15.555;
10 (l) RCW 28B.15.556;
11 (m) RCW 28B.15.615;
12 (n) RCW 28B.15.620;
13 (o) RCW 28B.15.628;
14 (p) RCW 28B.15.730;
15 (q) RCW 28B.15.740;
16 (r) RCW 28B.15.750;
17 (s) RCW 28B.15.756;
18 (t) RCW 28B.50.259; and
19 (u) RCW 28B.70.050((†
20 ~~(v) RCW 28B.80.580; and~~
21 ~~(w) During the 1997-99 fiscal biennium, the western interstate~~
22 ~~commission for higher education undergraduate exchange program for~~
23 ~~students attending Eastern Washington University))).~~

24 (3) The limitations in subsection (1) of this section do not apply
25 to waivers, exemptions, or reductions in services and activities fees
26 contained in the following:

- 27 (a) RCW 28B.15.522;
28 (b) RCW 28B.15.540; and
29 (c) RCW 28B.15.558.

30 (4) The total amount of operating fees revenue waived, exempted, or
31 reduced by institutions of higher education participating in the
32 western interstate commission for higher education western
33 undergraduate exchange program under RCW 28B.15.544 shall not exceed
34 the percentage of total gross authorized operating fees revenue in this
35 subsection.

- | | |
|--------------------------------------|-----------|
| 36 (a) Washington State University | 1 percent |
| 37 (b) Eastern Washington University | 3 percent |
| 38 (c) Central Washington University | 3 percent |

1 (5) The general fund state appropriation shall not be reduced by
2 the amount of operating fees revenue collected as a result of waiving
3 less operating fees revenue than the amounts authorized under this
4 section. State general fund appropriations shall not be provided for
5 revenue forgone as a result of or for waivers granted under RCW
6 28B.15.915.

7 **Sec. 6.** RCW 28B.15.100 and 1999 c 321 s 2 are each amended to read
8 as follows:

9 (1) The governing boards of the state universities, the regional
10 universities, The Evergreen State College, and the community colleges
11 shall charge to and collect from each of the students registering at
12 the particular institution for any quarter or semester such tuition
13 fees and services and activities fees, and other fees as such board
14 shall in its discretion determine. The total of all fees shall be
15 rounded to the nearest whole dollar amount: PROVIDED, That such
16 tuition fees (~~for other than the summer term~~) shall be (~~in the~~
17 ~~amounts for the respective institutions as otherwise set forth in~~)
18 established in accordance with RCW 28B.15.067.

19 (2) Part-time students shall be charged tuition and services and
20 activities fees proportionate to full-time student rates established
21 for residents and nonresidents: PROVIDED, That except for students
22 registered at community colleges, students registered for fewer than
23 two credit hours shall be charged tuition and services and activities
24 fees at the rate established for two credit hours: PROVIDED FURTHER,
25 That, subject to the limitations of RCW 28B.15.910, residents of Idaho
26 or Oregon who are enrolled in community college district number twenty
27 for six or fewer credits during any quarter or semester may be exempted
28 from payment of all or a portion of the nonresident tuition fees
29 differential upon a declaration by the higher education coordinating
30 board that it finds Washington residents from the community college
31 district are afforded substantially equivalent treatment by such other
32 states.

33 (3) Full-time students registered for more than eighteen credit
34 hours shall be charged an additional operating fee for each credit hour
35 in excess of eighteen hours at the applicable established per credit
36 hour tuition fee rate for part-time students: PROVIDED, That, subject
37 to the limitations of RCW 28B.15.910, the governing boards of the state
38 universities and the community colleges may exempt all or a portion of

1 the additional charge, for students who are registered exclusively in
2 first professional programs in medicine, dental medicine, veterinary
3 medicine, doctor of pharmacy, or law, or who are registered exclusively
4 in required courses in vocational preparatory programs.

5 NEW SECTION. **Sec. 7.** RCW 28B.15.066 (General fund appropriations
6 to institutions of higher education) and 2000 c 152 s 2, 1999 c 309 s
7 932, 1995 1st sp.s. c 9 s 3, & 1993 c 379 s 205 are each repealed.

8 NEW SECTION. **Sec. 8.** Section 4 of this act expires July 1, 2005.

9 NEW SECTION. **Sec. 9.** Section 5 of this act takes effect July 1,
10 2005.

--- END ---