
HOUSE BILL 1043

State of Washington

54th Legislature

1995 Regular Session

By Representatives Sommers, Carlson, Jacobsen, Mason and Chopp

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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 a new section; repealing RCW
4 28B.15.202, 28B.15.402, and 28B.15.502; providing an effective date;
5 and declaring an emergency.

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

7 **Sec. 1.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read
8 as follows:

9 Whenever used in chapter 28B.15 RCW:

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

12 (2) The term "resident student" shall mean: (a) A financially
13 independent student who has had a domicile in the state of Washington
14 for the period of one year immediately prior to the time of
15 commencement of the first day of the semester or quarter for which the
16 student has registered at any institution and has in fact established
17 a bona fide domicile in this state primarily for purposes other than
18 educational; (b) a dependent student, if one or both of the student's
19 parents or legal guardians have maintained a bona fide domicile in the

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

25 (3) The term "nonresident student" shall mean any student who does
26 not qualify as a "resident student" under the provisions of RCW
27 28B.15.012 and 28B.15.013. A nonresident student shall include:

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

32 (b) A person who is not a citizen of the United States of America
33 who does not have permanent or temporary resident status or does not
34 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
35 States immigration and naturalization service or is not otherwise
36 permanently residing in the United States under color of law and who
37 does not also meet and comply with all the applicable requirements in
38 RCW 28B.15.012 and 28B.15.013.

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

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

16 (6) The term "first professional" shall mean doctor of medicine,
17 doctor of dental surgery, or doctor of veterinary medicine degree
18 program.

19 **Sec. 2.** RCW 28B.15.066 and 1993 c 379 s 205 are each amended to
20 read as follows:

21 It is the intent of the legislature that:

22 In making appropriations from the state's general fund to
23 institutions of higher education, each appropriation shall conform to
24 the following:

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

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

37 (3) The general fund state appropriation shall not be reduced by
38 the amount of operating fees revenue collected as a result of waiving

1 less operating fees revenue than the amounts authorized under RCW
2 28B.15.910;

3 (4) The general fund state appropriation shall not be reduced by
4 the amount of operating fees revenue collected as a result of
5 institution governing board decisions to levy surcharge tuition fees
6 paid by nonresident undergraduate students and resident and nonresident
7 graduate and first professional students under sections 5(2), 6(2) and
8 7(2) of this act; and

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

14 **Sec. 3.** RCW 28B.15.067 and 1992 c 231 s 4 are each amended to read
15 as follows:

16 (1) Base tuition fees shall be established and adjusted annually
17 under the provisions of this chapter beginning with the 1987-88
18 academic year. Such fees shall be identical, subject to other
19 provisions of this chapter, for students enrolled at either state
20 university, for students enrolled at the regional universities and The
21 Evergreen State College, and for students enrolled at any community
22 college. Tuition fees shall reflect the undergraduate and graduate
23 educational costs of the state universities, the regional universities
24 and the community colleges, respectively, in ((the amounts prescribed
25 in)) accordance with the provisions of this chapter.

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

32 (3) The total tuition fees established under this chapter shall not
33 apply to high school students enrolling in community colleges under RCW
34 28A.600.300 through 28A.600.395.

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

1 The higher education coordinating board shall determine and
2 transmit amounts constituting approved undergraduate and graduate
3 educational costs to the several boards of regents and trustees of the
4 state institutions of higher education by November 10 of each even-
5 numbered year except the year 1990 for which the transmittal shall be
6 made by December 17. Base tuition fees shall be based on such costs in
7 accordance with the provisions of this chapter.

8 NEW SECTION. **Sec. 5.** TUITION AND FEES--UNIVERSITY OF WASHINGTON
9 AND WASHINGTON STATE UNIVERSITY--BUILDING FEES--SERVICES AND ACTIVITIES
10 FEES. Total tuition fees and maximum services and activities fees for
11 full-time students at the University of Washington and Washington State
12 University for other than the summer term shall be as follows:

13 (1) Base tuition. (a) For all students not enrolled in a program
14 leading to a first professional degree, base tuition fees shall be a
15 percent, as set forth in (i) through (iv) of this subsection, of the
16 per student undergraduate or graduate educational costs at the state
17 universities. If educational costs decrease, or increase at a rate
18 less than three percent over the previous academic year's educational
19 costs, base tuition fees shall increase a minimum of three percent each
20 academic year. If educational costs increase at a rate greater than
21 six percent over the previous academic year's educational costs, base
22 tuition fees shall increase a maximum of six percent each academic
23 year. The percent of educational cost shall be as follows:

24 (i) Resident undergraduate students and all other resident students
25 not in graduate or law programs: 41.1 percent of undergraduate
26 educational costs;

27 (ii) Nonresident undergraduate students and all other nonresident
28 students not in graduate or law programs: 122.9 percent of
29 undergraduate educational costs;

30 (iii) Resident graduate and law students: 28.4 percent of graduate
31 educational costs; and

32 (iv) Nonresident graduate and law students: 73.6 percent of
33 graduate educational costs.

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

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

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

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

9 (3) Surcharge tuition fees for credits beyond 115 percent of
10 graduation requirement. The governing board of the institution may
11 require any student who has accumulated more than one hundred fifteen
12 percent of the maximum number of credit hours required for their
13 respective degree program to pay surcharge tuition fees above tuition
14 fees specified in subsections (1) and (2) of this section. Each
15 institution shall distribute revenue from these additional fees between
16 the respective institution's local operating fee account and its state
17 building fee account in the same proportion as revenue from students
18 below the credit levels requiring the additional fees.

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

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

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

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

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

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

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

35 (5) Services and activities fee. The governing boards of the state
36 universities shall charge to and collect from each student a services
37 and activities fee. The governing board may increase the existing fee
38 annually, consistent with budgeting procedures set forth in RCW
39 28B.15.045, by a percentage not to exceed the annual percentage

1 increase in resident undergraduate base tuition fees. Such percentage
2 increase shall not apply to that portion of the services and activities
3 fee previously committed to the repayment of bonded debt. The services
4 and activities fee committee provided for in RCW 28B.15.045 may
5 initiate a request to the governing board for a fee increase.

6 NEW SECTION. **Sec. 6.** TUITION AND FEES--REGIONAL UNIVERSITIES AND
7 THE EVERGREEN STATE COLLEGE--BUILDING FEES--SERVICES AND ACTIVITIES
8 FEES. Total tuition fees and maximum services and activities fees
9 charged to all full-time students at the regional universities and The
10 Evergreen State College for other than the summer term shall be as
11 follows:

12 (1) Base tuition. Base tuition fees shall be a percent, as set
13 forth in (a) through (d) of this subsection, of the per student
14 undergraduate or graduate educational costs at the regional
15 universities. If educational costs decrease, or increase at a rate
16 less than three percent over the previous academic year's educational
17 costs, base tuition fees shall increase a minimum of three percent each
18 academic year. If educational costs increase at a rate greater than
19 six percent over the previous academic year's educational costs, base
20 tuition fees shall increase a maximum of six percent each academic
21 year.

22 (a) Resident undergraduate students and all other resident students
23 not in graduate study programs: 31.5 percent of undergraduate
24 educational costs;

25 (b) Nonresident undergraduate students and all other nonresident
26 students not in graduate study programs: 123 percent of undergraduate
27 educational costs;

28 (c) Resident graduate students: 28.6 percent of graduate
29 educational costs; and

30 (d) Nonresident graduate students: 92 percent of graduate
31 educational costs.

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

37 (3) Surcharge tuition fees for credits beyond 115 percent of
38 graduation requirement. The governing board of the institution may

1 require any student who has accumulated more than one hundred fifteen
2 percent of the maximum number of credit hours required for their
3 respective degree program to pay surcharge tuition fees above tuition
4 fees specified in subsections (1) and (2) of this section. Each
5 institution shall distribute revenue from these additional fees between
6 the respective institution's local operating fee account and its state
7 building fee account in the same proportion as revenue from students
8 below the credit levels requiring the additional fees.

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

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

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

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

18 (d) Nonresident graduate students: 3 percent.

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

30 NEW SECTION. **Sec. 7.** TUITION AND FEES--COMMUNITY COLLEGES--
31 BUILDING FEES--SERVICES AND ACTIVITIES FEES--FEES FOR SUMMER SCHOOL AND
32 CERTAIN COURSES. Total tuition fees and maximum services and
33 activities fees at each community college for full-time students for
34 other than the summer term shall be set by the state board for
35 community and technical colleges as follows:

36 (1) Base tuition. Base tuition fees shall be a percent, as set
37 forth in (a) and (b) of this subsection, of the per student
38 undergraduate costs at the community colleges. If educational costs

1 decrease, or increase at a rate less than three percent over the
2 previous academic year's educational costs, base tuition fees shall
3 increase a minimum of three percent each academic year. If educational
4 costs increase at a rate greater than six percent over the previous
5 academic year's educational costs, base tuition fees shall increase a
6 maximum of six percent each academic year.

7 (a) Resident students: 28.8 percent of undergraduate educational
8 costs; and

9 (b) Nonresident students: 122.7 percent of undergraduate
10 educational costs.

11 (2) Surcharge tuition. For any student except resident students:
12 Each academic year the governing board of the institution may levy
13 surcharge tuition fees up to six percent above base tuition fees set
14 under subsection (1) of this section.

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

19 (a) Resident students: 11 percent; and

20 (b) Nonresident students: 8.5 percent.

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

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

37 (6) Other fees. Subject to the limitations of RCW 28B.15.910, each
38 governing board may charge such fees for ungraded courses, noncredit
39 courses, community services courses, and self-supporting courses as it,

1 in its discretion, may determine, consistent with the rules of the
2 state board for community and technical colleges.

3 NEW SECTION. **Sec. 8.** Captions as used in this act do not
4 constitute any part of the law.

5 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
6 repealed:

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

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

12 (3) RCW 28B.15.502 and 1993 sp.s. c 18 s 12, 1993 c 379 s 204, 1992
13 c 231 s 11, 1991 c 353 s 2, 1985 c 390 s 25, 1982 1st ex.s. c 37 s 10,
14 & 1981 c 257 s 8.

15 NEW SECTION. **Sec. 10.** Sections 5 through 7 of this act are each
16 added to chapter 28B.15 RCW.

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

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