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**SUBSTITUTE SENATE BILL 5592**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Shin and Jacobsen; by request of Governor Locke)

Read first time 03/03/1999.

1       AN ACT Relating to tuition setting authority and the use of tuition  
2 in higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067,  
3 28B.15.069, 28B.15.070, and 28B.15.100; and creating a new section.

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

5       NEW SECTION.   **Sec. 1.** It is the intent of the legislature to  
6 establish a permanent tuition policy for the state's public higher  
7 education system. This policy should maintain affordable tuition  
8 levels and predictable tuition rates so students and their families can  
9 plan and pay for access to public higher education. This policy should  
10 also extend limited tuition setting authority to institutions of higher  
11 education and the state board for community and technical colleges so  
12 they can respond to individual priority needs not addressed by the  
13 legislature. The legislature intends that for academic year 1999-2000  
14 and thereafter, the student's proportion of the cost of instruction  
15 through the payment of tuition, shall have the same relationship to  
16 general fund support that it had in academic year 1998-99. The  
17 legislature further intends that tuition revenue be used by each entity  
18 to support the state goal of improving student access to quality  
19 learning opportunities.

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

3       The term "operating fees" as used in this chapter shall include the  
4 fees, other than building fees, charged all students registering at the  
5 state's colleges and universities but shall not include fees for short  
6 courses, self-supporting degree credit programs and courses, marine  
7 station work, experimental station work, correspondence or extension  
8 courses, and individual instruction and student deposits or rentals,  
9 disciplinary and library fines, which colleges and universities shall  
10 have the right to impose, laboratory, gymnasium, health, technology and  
11 student activity fees, or fees, charges, rentals, and other income  
12 derived from any or all revenue producing lands, buildings and  
13 facilities of the colleges or universities heretofore or hereafter  
14 acquired, constructed or installed, including but not limited to income  
15 from rooms, dormitories, dining rooms, hospitals, infirmaries, housing  
16 or student activity buildings, vehicular parking facilities, land, or  
17 the appurtenances thereon, or such other special fees as may be  
18 established by any college or university board of trustees or regents  
19 from time to time. All moneys received as operating fees at any  
20 institution of higher education shall be deposited in a local account  
21 containing only operating fees revenue and related interest: PROVIDED,  
22 That a minimum of three and one-half percent of operating fees shall be  
23 retained by the institutions(~~(, except the technical colleges,)~~) for  
24 the purposes of RCW 28B.15.820. Local operating fee accounts shall not  
25 be subject to appropriation by the legislature or allotment procedures  
26 under chapter 43.88 RCW.

27       **Sec. 3.** RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended  
28 to read as follows:

29       It is the intent of the legislature that:

30       In making appropriations from the state's general fund to  
31 institutions of higher education, each appropriation shall conform to  
32 the following:

33       (1) The appropriation shall not be reduced by the amount of  
34 operating fees revenue estimated to be collected from students enrolled  
35 at the state-funded enrollment level specified in the omnibus biennial  
36 operating appropriations act;

37       (2) The appropriation shall not be reduced by the amount of  
38 operating fees revenue collected from students enrolled above the

1 state-funded level(~~(, but within the over-enrollment limitations,)~~)  
2 specified in the omnibus biennial operating appropriations act; and  
3 (3) The general fund state appropriation shall not be reduced by  
4 the amount of operating fees revenue collected as a result of waiving  
5 less operating fees revenue than the amounts authorized under RCW  
6 28B.15.910.

7 **Sec. 4.** RCW 28B.15.067 and 1997 c 403 s 1 are each amended to read  
8 as follows:

9 (1) Tuition fees shall be established under the provisions of this  
10 chapter.

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

14 (a) ~~At the University of Washington and Washington State~~  
15 ~~University:~~

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

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

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

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

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

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

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

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

35 (viii) ~~For nonresident first professional students, twenty-one~~  
36 ~~thousand twenty-four dollars.~~

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

1       ~~(i) For resident undergraduate and all other resident students not~~  
2 ~~in graduate programs, two thousand two hundred eleven dollars;~~  
3       ~~(ii) For nonresident undergraduate and all other nonresident~~  
4 ~~students not in graduate programs, eight thousand six hundred forty-six~~  
5 ~~dollars;~~  
6       ~~(iii) For resident graduate students, three thousand seven hundred~~  
7 ~~twenty-six dollars; and~~  
8       ~~(iv) For nonresident graduate students, eleven thousand nine~~  
9 ~~hundred seventy-six dollars.~~  
10       ~~(c) At the community colleges:~~  
11       ~~(i) For resident students, one thousand three hundred eleven~~  
12 ~~dollars; and~~  
13       ~~(ii) For nonresident students, five thousand five hundred eighty-~~  
14 ~~six dollars.~~  
15       ~~(3)) Academic year tuition for full-time students at the state's~~  
16 ~~institutions of higher education beginning with the 1998-99 academic~~  
17 ~~year, other than the summer term, shall be as provided in this~~  
18 ~~subsection ((unless different rates are adopted in the omnibus~~  
19 ~~appropriations act)).~~  
20       (a) At the University of Washington and Washington State  
21 University:  
22       (i) For resident undergraduate students and other resident students  
23 not in graduate, law, or first professional programs, three thousand  
24 one hundred eight dollars;  
25       (ii)(A) For nonresident undergraduate students and other  
26 nonresident students at the University of Washington not in graduate,  
27 law, or first professional programs, eleven thousand one hundred thirty  
28 dollars;  
29       (B) For nonresident undergraduate students and other nonresident  
30 students at Washington State University not in graduate or first  
31 professional programs, ten thousand two hundred sixty-six dollars;  
32       (iii) For resident graduate students, five thousand forty-six  
33 dollars;  
34       (iv) For nonresident graduate students, thirteen thousand ninety-  
35 two dollars;  
36       (v) For resident law students, five thousand three hundred seventy-  
37 six dollars;  
38       (vi) For nonresident law students, thirteen thousand seven hundred  
39 eighty-two dollars;

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

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

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

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

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

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

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

15 (c) At the community colleges:

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

18 (ii) For nonresident students, five thousand eight hundred eight  
19 dollars.

20 ~~((4))~~ (3) For the ~~((1997-98 and))~~ 1998-99 academic year~~((s))~~, the  
21 University of Washington shall use at least ten percent of the revenue  
22 received from the difference between a four percent increase in tuition  
23 fees and the actual increase charged to law students to assist needy  
24 low and middle-income resident law students. For the ~~((1997-98 and))~~  
25 1998-99 academic year~~((s))~~, the University of Washington shall use at  
26 least ten percent of the revenue received from the difference between  
27 a four percent increase in tuition fees and the actual increase charged  
28 to nonresident undergraduate students and all other nonresident  
29 students not in graduate, law, or first professional programs to assist  
30 needy low and middle-income resident undergraduate students and all  
31 other resident students not enrolled in graduate, law, or first  
32 professional programs. This requirement is in addition to the deposit  
33 requirements of the institutional aid fund under RCW 28B.15.820.

34 (4)(a) For the 1999-2000 academic year and each academic year  
35 thereafter, the governing boards of the state universities, regional  
36 universities, The Evergreen State College, and the state board for  
37 community and technical colleges may reduce full-time operating fees  
38 from the levels for academic year 1998-99 or from levels for any year  
39 thereafter. Reductions may be made for all or portions of an

1 institution's programs or enrolled student population based on factors  
2 that may include, but are not limited to, time of day, day of the week,  
3 campus, student category, program type, delivery method, and student's  
4 residency.

5 (b) For the 1999-2000 academic year and each year thereafter, full-  
6 time operating fees shall increase by an amount equal to the average  
7 increase in Washington per capita personal income of the two previous  
8 years and the subject year, as estimated by the revenue forecast  
9 council in March of each odd-numbered year.

10 (c) In addition to the operating fee set by (b) of this subsection,  
11 the governing boards of the state universities, regional universities,  
12 The Evergreen State College, and the state board for community and  
13 technical colleges may increase full-time operating fees by up to two  
14 percent per year for each year of each budget biennium. For the 1999-  
15 2000 academic year and each academic year thereafter, the governing  
16 board of the University of Washington or the governing board of  
17 Washington State University may increase the full-time tuition fees  
18 established under this section by an amount not to exceed a total  
19 percentage increase of six and three-quarters percent per year over the  
20 prior year.

21 (d) To ensure that students receiving state need grants do not have  
22 the value of those grants diminished as a result of governing boards'  
23 actions under (c) of this subsection, institutions of higher education  
24 shall provide from tuition revenue collected under (c) of this  
25 subsection financial aid grants to state need grant recipients in an  
26 amount that is equal to the amount of the increase in full-time  
27 operating fees enacted by the governing boards under (c) of this  
28 subsection. Institutions of higher education may not reduce the  
29 proportion of state need grant recipients relative to the total number  
30 of resident undergraduates in the prior year as determined by the  
31 higher education coordinating board.

32 (e) Institutions of higher education shall report each biennium to  
33 the office of financial management, the higher education coordinating  
34 board, and the appropriate committees of the legislature as to how they  
35 have used any funds generated through the tuition increase authorized  
36 in (c) of this subsection. The initial report under this section shall  
37 be provided along with the institutions' budget proposals for the 2001-  
38 2003 budget biennium.

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

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

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

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

12 (c) Resident graduate students;

13 (d) Resident master's in business administration students;

14 (e) Nonresident master's in business administration students;

15 (f) Resident law students;

16 ~~((+e))~~ (g) Nonresident graduate students;

17 ~~((+f))~~ (h) Nonresident law students;

18 ~~((+g))~~ (i) Resident first professional students; ~~((and~~

19 ~~+h))~~ (j) Nonresident first professional students;

20 (k) Resident medical students;

21 (l) Nonresident medical students;

22 (m) Resident dental students; and

23 (n) Nonresident dental students.

24 (2) Unless the context clearly requires otherwise, as used in this  
25 section "first professional programs" means programs leading to one of  
26 the following degrees: Doctor of medicine, doctor of dental surgery,  
27 or doctor of veterinary medicine.

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

34 (4) The governing boards of each institution of higher education,  
35 except for the technical colleges, shall charge to and collect from  
36 each student a services and activities fee. A governing board may  
37 increase the existing fee annually, consistent with budgeting  
38 procedures set forth in RCW 28B.15.045, by a percentage not to exceed

1 the annual percentage increase in student tuition fees for the  
2 applicable tuition category: PROVIDED, That such percentage increase  
3 shall not apply to that portion of the services and activities fee  
4 previously committed to the repayment of bonded debt. The services and  
5 activities fee committee provided for in RCW 28B.15.045 may initiate a  
6 request to the governing board for a fee increase.

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

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

17 **Sec. 6.** RCW 28B.15.070 and 1995 1st sp.s. c 9 s 7 are each amended  
18 to read as follows:

19 (1) The higher education coordinating board, in consultation with  
20 the house of representatives and senate committees responsible for  
21 higher education, the respective fiscal committees of the house of  
22 representatives and senate, the office of financial management, and the  
23 state institutions of higher education, shall develop by December of  
24 every fourth year beginning in 1989, definitions, criteria, and  
25 procedures for determining the undergraduate and graduate educational  
26 costs for the state universities, regional universities, and community  
27 colleges.

28 (2) Every four years, the state institutions of higher education in  
29 cooperation with the higher education coordinating board shall perform  
30 an educational cost study pursuant to subsection (1) of this section.  
31 The study shall be conducted based on every fourth academic year  
32 beginning with 1989-90. Institutions shall complete the studies within  
33 one year of the end of the study year and report the results to the  
34 higher education coordinating board for consolidation, review, and  
35 distribution.

36 (3) In order to conduct the study required by subsection (2) of  
37 this section, the higher education coordinating board, in cooperation  
38 with the institutions of higher education, shall develop a methodology



1 that requires the collection of comparable educational cost data, which  
2 utilizes a faculty activity analysis or similar instrument and which  
3 includes methods to estimate the cost of instruction for students  
4 receiving instruction supported in part or in full by technology,  
5 provided at a distance, or both supported in part or full by technology  
6 and provided at a distance.

7 **Sec. 7.** RCW 28B.15.100 and 1998 c 75 s 1 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 amounts for~~  
17 ~~the respective institutions as otherwise set forth in RCW 28B.15.067))~~).

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

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

- 1 medicine, doctor of pharmacy, or law, or who are registered exclusively
- 2 in required courses in vocational preparatory programs.

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