

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2352

Chapter 104, Laws of 2012

62nd Legislature
2012 Regular Session

HIGHER EDUCATION--SERVICES AND ACTIVITIES FEES

EFFECTIVE DATE: 06/07/12

Passed by the House February 10, 2012
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 29, 2012, 1:32 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2352** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 29, 2012

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2352

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By House Higher Education (originally sponsored by Representatives Reykdal, Fitzgibbon, Zeiger, Kenney, Maxwell, Haler, Green, Jinkins, Sells, Moscoso, Ormsby, Pollet, Billig, Anderson, Probst, Lytton, Wylie, Ladenburg, Kelley, Angel, and Hunt)

READ FIRST TIME 01/30/12.

1 AN ACT Relating to institutions of higher education services and
2 activities fees; amending RCW 28B.15.045; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes that students
5 play an important role in recommending how services and activities fees
6 should be expended, as the majority of members of the services and
7 activities fees committee at each institution of higher education. It
8 is the intent of the legislature to increase transparency, so that
9 expenditures of revenue from services and activities fees are clearly
10 visible and accessible to the students who pay those fees.

11 **Sec. 2.** RCW 28B.15.045 and 1994 c 41 s 1 are each amended to read
12 as follows:

13 The legislature recognizes that institutional governing boards have
14 a responsibility to manage and protect institutions of higher
15 education. This responsibility includes ensuring certain lawful
16 agreements for which revenues from services and activities fees have
17 been pledged. Such lawful agreements include, but are not limited to,

1 bond covenant agreements and other contractual obligations.
2 Institutional governing boards are also expected to protect the
3 stability of programs that benefit students.

4 The legislature also recognizes that services and activities fees
5 are paid by students for the express purpose of funding student
6 services and programs. It is the intent of the legislature that
7 governing boards ensure that students have a strong voice in
8 recommending budgets for services and activities fees. The boards of
9 trustees and the boards of regents of the respective institutions of
10 higher education shall adopt guidelines governing the establishment and
11 funding of programs supported by services and activities fees. Such
12 guidelines shall stipulate procedures for budgeting and expending
13 services and activities fee revenue. Any such guidelines shall be
14 consistent with the following provisions:

15 (1) Student representatives from the services and activities fee
16 committee and representatives of the college or university
17 administration shall have an opportunity to address the board before
18 board decisions on services and activities fee budgets and dispute
19 resolution actions are made.

20 (2) Members of the governing boards shall adhere to the principle
21 that services and activities fee committee desires be given priority
22 consideration on funding items that do not fall into the categories of
23 preexisting contractual obligations, bond covenant agreements, or
24 stability for programs affecting students.

25 (3) Responsibility for proposing to the administration and the
26 governing board program priorities and budget levels for that portion
27 of program budgets that derive from services and activities fees shall
28 reside with a services and activities fee committee, on which students
29 shall hold at least a majority of the voting memberships, such student
30 members shall represent diverse student interests, and shall be
31 recommended by the student government association or its equivalent.
32 The chairperson of the services and activities fee committee shall be
33 selected by the members of that committee. The governing board shall
34 insure that the services and activities fee committee provides an
35 opportunity for all viewpoints to be heard at a public meeting during
36 its consideration of the funding of student programs and activities.

37 (4) The services and activities fee committee shall evaluate
38 existing and proposed programs and submit budget recommendations for

1 the expenditure of those services and activities fees with supporting
2 documents simultaneously to the college or university governing board
3 and administration.

4 (5) The college or university administration shall review the
5 services and activities fee committee budget recommendations and
6 publish a written response to the services and activities fee
7 committee. This response shall outline potential areas of difference
8 between the committee recommendations and the administration's proposed
9 budget recommendations. This response, with supporting documentation,
10 shall be submitted to the services and activities fee committee in a
11 timely manner to allow adequate consideration.

12 (6)(a) In the event of a dispute or disputes involving the services
13 and activities fee committee recommendations, the college or university
14 administration shall meet with the services and activities fee
15 committee in a good faith effort to resolve such dispute or disputes
16 prior to submittal of final recommendations to the governing board.

17 (b) If said dispute is not resolved within fourteen days, a dispute
18 resolution committee shall be convened by the chair of the services and
19 activities fee committee within fourteen days.

20 (7) The dispute resolution committee shall be selected as follows:
21 The college or university administration shall appoint two nonvoting
22 advisory members; the governing board shall appoint three voting
23 members; and the services and activities fee committee chair shall
24 appoint three student members of the services and activities fee
25 committee who will have a vote, and one student representing the
26 services and activities fee committee who will chair the dispute
27 resolution committee and be nonvoting. The committee shall meet in
28 good faith, and settle by vote any and all disputes. In the event of
29 a tie vote, the chair of the dispute resolution committee shall vote to
30 settle the dispute.

31 (8) The governing board may take action on those portions of the
32 services and activities fee budget not in dispute in accordance with
33 the customary budget approval timeline established by the board. The
34 governing board shall consider the results, if any, of the dispute
35 resolution committee and shall take action.

36 (9) Services and activities fees and revenues generated by programs
37 and activities funded by such fees shall be deposited and expended
38 through the office of the chief fiscal officer of the institution.

1 (10) Services and activities fees and revenues generated by
2 programs and activities funded by such fees shall be subject to the
3 applicable policies, regulations, and procedures of the institution and
4 the budget and accounting act, chapter 43.88 RCW.

5 (11) All information pertaining to services and activities fees
6 budgets shall be made available to interested parties. Annually, by
7 September 30th, the services and activities fees committee at each
8 institution of higher education, in coordination with the
9 administration of the institution of higher education, shall post
10 services and activities fees expenditure information for the prior
11 academic year on the college or university web site so that the
12 information is clearly visible and easily accessible to students and
13 the public. At a minimum, the services and activities fees budget
14 information must include all the major categories of expenditure and
15 the amounts expended in each category.

16 (12) With the exception of any funds needed for bond covenant
17 obligations, once the budget for expending service and activities fees
18 is approved by the governing board, funds shall not be shifted from
19 funds budgeted for associated students or departmentally related
20 categories or the reserve fund until the administration provides
21 written justification to the services and activities fee committee and
22 the governing board, and the governing board and the services and
23 activities fee committee give their express approval. In the event of
24 a fund transfer dispute among the services and activities fee
25 committee, the administration, or the governing board, said dispute
26 shall be resolved pursuant to subsections (6)(b), (7), and (8) of this
27 section.

28 (13) Any service and activities fees collected which exceed
29 initially budgeted amounts are subject to subsections (1) through (10)
30 and (12) of this section.

Passed by the House February 10, 2012.

Passed by the Senate February 29, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.