

# HOUSE BILL REPORT

## HB 1364

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As Reported By House Committee On:  
Higher Education

**Title:** An act relating to student organizations' access to higher education institutions' registration and student account systems.

**Brief Description:** Authorizing a negative check-off system for the collection of voluntary student fees.

**Sponsors:** Representatives Jacobsen, Brumsickle, Wood, Dunshee, Ludwig, Basich, L. Johnson, Fuhrman, Johanson, Rayburn, Grant, Quall, Morton, Morris, Bray, Finkbeiner, Kessler, Flemming, J. Kohl, Shin, Ogden, Sheahan, King and Wineberry.

**Brief History:**

Reported by House Committee on:  
Higher Education, February 4, 1994, DPS.

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### HOUSE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Jacobsen, Chair; Quall, Vice Chair; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; Mastin; Mielke; Ogden; Orr; Rayburn; Shin and Wood.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Brumsickle, Ranking Minority Member.

**Staff:** Marilee Scarbrough (786-7196).

**Background:** Several institutions of higher education currently allow student organizations to use their registration and student account systems to facilitate voluntary fee collection for student organizations. For example, at the University of Washington, students who wish to participate in voluntary student fees do so by pushing the appropriate number on a touch tone telephone when registering for classes. This is considered a positive check-off system. At other institutions, students are automatically billed for the voluntary fee. If they do not wish to participate, the student must deduct the fee from the bill.

Institutions are not obligated by statute to provide this service; however, if institutions elect to allow use of their public facilities, constitutional principles require they must do so on a nondiscriminatory basis. Current statutes do not contain a set of criteria regarding use of registration systems for collection of voluntary fees that applies to all institutions in the state of Washington.

**Summary of Substitute Bill:** The legislation states that the Legislature intends for student organizations to have access to higher education institutions registration and student account systems for collection of voluntary student fees. The process for students to gain access to the registration and student account systems is outlined.

Recognized student organizations must meet certain conditions before gaining access to the system: 1) the organization must be registered with and recognized by the institution; 2) obtain signatures of 15 percent of registered full-time students; 3) obtain approval of a majority of voters in a student body election; and 4) complete the process no less than 90 days prior to the opening of the effected registration cycle. All organizations must also disclose their purpose and the intended use of funds.

If a student organization meets all of the conditions, the organization will be granted access to the registration or student account system for a three-year period. All solicitation of student voluntary fees shall be through a positive check-off system.

An organization may withdraw from access by giving notice 90 days prior to the opening of the registration cycle. Institutions may deny access if the organization fails to meet the criteria for access. Institutions may charge a reasonable user fee; however, no fee shall exceed 20 percent of the yield of the check off.

Organizations must renew their access every three years. Renewal requires that organizations: 1) satisfy the criteria for recognition; 2) obtain signatures of 10 percent of registered full-time students; 3) obtain approval by a majority of voters in a general election; and 4) complete the process no less than 90 days prior to the opening of the registration cycle.

**Substitute Bill Compared to Original Bill:** The substitute permits only a positive check-off system.

**Fiscal Note:** Requested February 4, 1994.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Students need the ability to levy a fee upon themselves. This legislation will benefit all parties if a standardized system is established for all higher education institutions. This will give students an opportunity to choose the organizations to which they contribute and eliminate confusion about student access to registration systems. This bill will empower students.

**Testimony Against:** The community college system already has a process for student access. This bill will create an enormous cost for our accounting system. This is an institutional issue not a legislative issue. The approach taken in this bill will require us to stop our (South Puget Sound Community College) current program for collecting voluntary student fees because the negative check off would not allow us to predict our revenue. Negative check off is constitutionally prohibited. The negative check-off permits the taking of money that is not due. We support the concept of access; however, this approach will require substantial change in our accounting system.

**Witnesses:** Alfredo Llamedo, Brian Watenpaugh, Sean Cafferty, Washington Association of Community & Technical College Students (pro); Albert May, Christopher Yates (con); Jerry Sheahan, American Civil Liberties Union (con); and Jeanne Holm, University of Washington (con).