
HOUSE BILL 2605

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Jacobsen, Brumsickle, Dorn, Bray, Ogden, Dunshee, Pruitt and J. Kohl

Read first time 01/19/94. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; amending RCW 28B.10.350,
2 43.88.150, 28B.15.013, 28B.15.067, 28B.15.076, 28B.15.556, 28B.15.725,
3 28B.15.740, 28B.10.776, 28B.10.782, 28B.80.320, 28B.80.330, 28B.80.340,
4 and 28B.80.610; amending 1989 c 290 s 1 (uncodified); reenacting and
5 amending RCW 43.88.110, 28B.15.031, 28B.15.202, 28B.15.402, and
6 28B.15.820; adding a new section to chapter 28B.10 RCW; adding a new
7 section to chapter 41.06 RCW; adding new sections to chapter 28B.15
8 RCW; adding a new section to chapter 28B.80 RCW; and repealing RCW
9 41.06.382.

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

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW
12 to read as follows:

13 It is the policy of the state of Washington that:

14 (1) By the year 2002, Washington's system of higher education and
15 work force training will be among the five best in the country in
16 providing access and programs of the highest quality to the residents
17 of the state of Washington;

18 (2) By the year 2002, the level of state general fund
19 appropriations per student attending state universities, regional

1 universities, and The Evergreen State College will equal or exceed the
2 ninetieth percentile of state appropriations for students attending
3 each institution's peers. Any increased funding required to meet the
4 goal may be phased over six years, beginning in the 1995-1997 biennial
5 budget;

6 (3) Peer institutions for each four-year institution of higher
7 education and the community and technical college system will be
8 determined by the higher education coordinating board, in consultation
9 with the institutions, the office of financial management, and the
10 house of representatives and senate higher education and fiscal
11 committees;

12 (4) Beginning with the 1995-1997 biennium, the legislature intends,
13 each biennium, to appropriate to each state university, regional
14 university, and The Evergreen State College, the same amount of state
15 general fund dollars appropriated the previous biennium, adjusted for
16 inflation, one-time costs, and other policy initiatives adopted by the
17 legislature. State general fund moneys for new enrollments for four-
18 year institutions of higher education and for new programs and most new
19 policy initiatives will be appropriated to the higher education
20 coordinating board. Most new enrollments will be reserved for resident
21 students;

22 (5) In the biennial budget for four-year institutions of higher
23 education, the legislature will adopt a minimal number of provisos, and
24 will not adopt salary restrictions for employees of state universities,
25 regional universities, or The Evergreen State College;

26 (6) In selecting institutions of higher education to provide
27 educational programs or services, the higher education coordinating
28 board will consider public and independent institutions that, through
29 a competitive process, commit to providing the most cost-effective,
30 high quality program or service for Washington residents, in addition
31 to other conditions that may be required by the board;

32 (7) Four-year institutions of higher education will be relieved
33 from laws and rules governing state agencies if those laws inhibit the
34 institutions from operating in the most effective manner, and the
35 institutions meet other accountability measures as adopted by law; and

36 (8) Washington residents who have prepared themselves for college
37 and who desire postsecondary education and training will not be denied
38 an education due to their financial status.

1 **Sec. 2.** RCW 28B.10.350 and 1993 c 379 s 109 are each amended to
2 read as follows:

3 (1) ~~((When the cost to The Evergreen State College, any regional~~
4 ~~university, or state university, of any building, construction,~~
5 ~~renovation, remodeling, or demolition other than maintenance or repairs~~
6 ~~will equal or exceed the sum of twenty five thousand dollars, complete~~
7 ~~plans and specifications for such work shall be prepared and such work~~
8 ~~shall be put out for public bids and the contract shall be awarded to~~
9 ~~the lowest responsible bidder if in accordance with the bid~~
10 ~~specifications: PROVIDED, That when the estimated cost of such~~
11 ~~building, construction, renovation, remodeling, or demolition)) A state~~
12 ~~university, regional university, or The Evergreen State College may~~
13 ~~construct, install, renovate, remodel, demolish, repair, or maintain~~
14 ~~its buildings and grounds using either institutional personnel, or~~
15 ~~outside contractors, or contractors from a small works roster, or any~~
16 ~~cost-effective combination of the three.~~

17 (2) If an institution uses outside contractors, complete plans and
18 specifications for the work shall be prepared, the work shall be put
19 out for public bids, and the contract shall be awarded to the lowest
20 responsible bidder if in accordance with the bid specifications.

21 (3) When contractors from a small works roster are used, the
22 conditions prescribed in RCW 28B.10.355 shall apply. When the work is
23 less than one hundred thousand dollars or the contract is awarded by
24 the small works roster, the publication requirements of RCW 39.04.020
25 shall not apply.

26 (4) When the estimated cost of the project equals or exceeds the
27 sum of twenty-five thousand dollars, ((such)) the project shall be
28 deemed a public works and "the prevailing rate of wage," under chapter
29 39.12 RCW shall ((be applicable thereto: PROVIDED FURTHER, That))
30 apply.

31 (5) When ((such building, construction, renovation, remodeling, or
32 demolition)) the project involves one trade or craft area and the
33 estimated cost exceeds ten thousand dollars, complete plans and
34 specifications for such work shall be prepared and such work shall be
35 put out for public bids, and the contract shall be awarded to the
36 lowest responsible bidder if in accordance with the bid specifications.
37 This subsection shall not apply when a contract is awarded by the small
38 works procedure authorized in RCW 28B.10.355.

1 ~~((2) The Evergreen State College, any regional university, or~~
2 ~~state university may require a project to be put to public bid even~~
3 ~~when it is not required to do so under subsection (1) of this section.~~

4 ~~(3) Where the estimated cost to The Evergreen State College, any~~
5 ~~regional university, or state university of any building,~~
6 ~~construction, renovation, remodeling, or demolition is less than~~
7 ~~twenty five thousand dollars or the contract is awarded by the small~~
8 ~~works procedure authorized in RCW 28B.10.355, the publication~~
9 ~~requirements of RCW 39.04.020 shall be inapplicable.~~

10 ~~(4))~~ (6) In the event of any emergency when the public interest or
11 property of The Evergreen State College, regional university, or state
12 university would suffer material injury or damage by delay, the
13 president of such college or university may declare the existence of
14 such an emergency and reciting the facts constituting the same may
15 waive the requirements of this section with reference to any contract
16 in order to correct the condition causing the emergency: PROVIDED,
17 That an "emergency," for the purposes of this section, means a
18 condition likely to result in immediate physical injury to persons or
19 to property of such college or university in the absence of prompt
20 remedial action or a condition which immediately impairs the
21 institution's ability to perform its educational obligations.

22 **Sec. 3.** RCW 43.88.150 and 1991 c 284 s 3 are each amended to read
23 as follows:

24 (1) For those agencies that make expenditures from both
25 appropriated and nonappropriated funds for the same purpose, the
26 governor shall direct such agencies to charge their expenditures in
27 such ratio, as between appropriated and nonappropriated funds, as will
28 conserve appropriated funds. This subsection does not apply to
29 institutions of higher education as defined in RCW 28B.10.016.

30 (2) Unless otherwise provided by law, if state moneys are
31 appropriated for a capital project and matching funds or other
32 contributions are required as a condition of the receipt of the state
33 moneys, the state moneys shall be disbursed in proportion to and only
34 to the extent that the matching funds or other contributions have been
35 received and are available for expenditure.

36 (3) The office of financial management shall adopt guidelines for
37 the implementation of this section. The guidelines may account for

1 federal matching requirements or other requirements to spend other
2 moneys in a particular manner.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.06 RCW
4 to read as follows:

5 (1) A state university, regional university, or The Evergreen State
6 College may purchase services customarily and historically provided by
7 employees in classified service under this chapter by contracting with
8 individuals or business entities, without the necessity of showing that
9 classified employees could not provide these services, if the purchase
10 would be fiscally prudent and result in reduced expenditures of public
11 funds. However, decisions to contract for services may be made only
12 after the affected institution of higher education has conducted a
13 feasibility study determining the potential costs and benefits that
14 would result from contracting for the services, and the institution,
15 through a process adopted in rule, has consulted employees who would be
16 adversely affected by a decision to purchase the services. A contract
17 to purchase services shall provide that the contractor will pay to its
18 employees performing the contract work wages that are similar to those
19 generally paid for such work in the locality in which the work is to be
20 performed and will provide health benefits that are similar to, but in
21 any case no less than, the benefits provided for basic health care
22 services under chapter 70.47 RCW.

23 (2) This section shall not be construed to modify, reduce, or
24 otherwise affect the purchase of services that were authorized to be
25 purchased by contract under this chapter before the effective date of
26 this section.

27 **Sec. 5.** RCW 43.88.110 and 1991 sp.s. c 32 s 27 and 1991 c 358 s 2
28 are each reenacted and amended to read as follows:

29 This section sets forth the expenditure programs and the allotment
30 and reserve procedures to be followed by the executive branch for
31 public funds.

32 (1) Allotments of an appropriation for any fiscal period shall
33 conform to the terms, limits, or conditions of the appropriation.

34 (2) The director of financial management shall provide all agencies
35 with a complete set of operating and capital instructions for preparing
36 a statement of proposed expenditures at least thirty days before the

1 beginning of a fiscal period. The set of instructions need not include
2 specific appropriation amounts for the agency.

3 (3) Within forty-five days after the beginning of the fiscal period
4 or within forty-five days after the governor signs the omnibus biennial
5 appropriations act, whichever is later, all agencies shall submit to
6 the governor a statement of proposed expenditures at such times and in
7 such form as may be required by the governor.

8 (4) Except as provided in subsection (9) of this section, the
9 office of financial management shall develop a method for monitoring
10 capital appropriations and expenditures that will capture at least the
11 following elements:

12 (a) Appropriations made for capital projects including
13 transportation projects;

14 (b) Estimates of total project costs including past, current,
15 ensuing, and future biennial costs;

16 (c) Comparisons of actual costs to estimated costs;

17 (d) Comparisons of estimated construction start and completion
18 dates with actual dates;

19 (e) Documentation of fund shifts between projects.

20 This data may be incorporated into the existing accounting system
21 or into a separate project management system, as deemed appropriate by
22 the office of financial management.

23 (5) If at any time during the fiscal period the governor projects
24 a cash deficit in a particular fund or account as defined by RCW
25 43.88.050, the governor shall make across-the-board reductions in
26 allotments for that particular fund or account so as to prevent a cash
27 deficit, unless the legislature has directed the liquidation of the
28 cash deficit over one or more fiscal periods. Except for the
29 legislative and judicial branches and other agencies headed by elective
30 officials, the governor shall review the statement of proposed
31 operating expenditures for reasonableness and conformance with
32 legislative intent. Once the governor approves the statements of
33 proposed operating expenditures, further revisions shall be made only
34 at the beginning of the second fiscal year and must be initiated by the
35 governor. However, changes in appropriation level authorized by the
36 legislature, changes required by across-the-board reductions mandated
37 by the governor, changes caused by executive increases to spending
38 authority, and changes caused by executive decreases to spending
39 authority for failure to comply with the provisions of chapter 36.70A

1 RCW may require additional revisions. Revisions shall not be made
2 retroactively. Revisions caused by executive increases to spending
3 authority shall not be made after June 30, 1987. However, the governor
4 may assign to a reserve status any portion of an agency appropriation
5 withheld as part of across-the-board reductions made by the governor
6 and any portion of an agency appropriation conditioned on a contingent
7 event by the appropriations act. The governor may remove these amounts
8 from reserve status if the across-the-board reductions are subsequently
9 modified or if the contingent event occurs. The director of financial
10 management shall enter approved statements of proposed expenditures
11 into the state budgeting, accounting, and reporting system within
12 forty-five days after receipt of the proposed statements from the
13 agencies. If an agency or the director of financial management is
14 unable to meet these requirements, the director of financial management
15 shall provide a timely explanation in writing to the legislative fiscal
16 committees.

17 (6) Except as provided in subsection (9) of this section, it is
18 expressly provided that all agencies shall be required to maintain
19 accounting records and to report thereon in the manner prescribed in
20 this chapter and under the regulations issued pursuant to this chapter.
21 Within ninety days of the end of the fiscal year, all agencies shall
22 submit to the director of financial management their final adjustments
23 to close their books for the fiscal year. Prior to submitting fiscal
24 data, written or oral, to committees of the legislature, it is the
25 responsibility of the agency submitting the data to reconcile it with
26 the budget and accounting data reported by the agency to the director
27 of financial management.

28 (7) Except as provided in subsection (9) of this section, the
29 director of financial management shall monitor agency operating
30 expenditures against the approved statement of proposed expenditures
31 and shall provide the legislature with quarterly explanations of major
32 variances.

33 (8) The director of financial management may exempt certain public
34 funds from the allotment controls established under this chapter if it
35 is not practical or necessary to allot the funds. With the exception
36 of exemptions that may be granted to four-year institutions of higher
37 education, allotment control exemptions expire at the end of the fiscal
38 biennium for which they are granted. The director of financial

1 management shall report any exemptions granted under this subsection to
2 the legislative fiscal committees.

3 (9) In consultation with four-year institutions of higher
4 education, the higher education coordinating board, and the house of
5 representatives and senate fiscal committees, the director of the
6 office of financial management shall develop and implement a simplified
7 allotment and reporting procedure for the state universities, regional
8 universities, and The Evergreen State College. The procedure may
9 exempt the four-year institutions of higher education from allotment
10 controls required for public funds.

11 **Sec. 6.** RCW 28B.15.013 and 1989 c 175 s 79 are each amended to
12 read as follows:

13 (1) The establishment of a new domicile in the state of Washington
14 by a person formerly domiciled in another state has occurred if such
15 person is physically present in Washington primarily for purposes other
16 than educational and can show satisfactory proof that such person is
17 without a present intention to return to such other state or to acquire
18 a domicile at some other place outside of Washington.

19 (2) Unless proven to the contrary it shall be presumed that:

20 (a) The domicile of any person shall be determined according to the
21 individual's situation and circumstances rather than by marital status
22 or sex.

23 (b) A person does not lose a domicile in the state of Washington by
24 reason of residency in any state or country while a member or the
25 spouse or dependent of a member of the civil or military service of
26 this state or of the United States, nor while engaged in the navigation
27 of the waters of this state or of the United States or of the high seas
28 if that person returns to the state of Washington within one year of
29 discharge from said service with the intent to be domiciled in the
30 state of Washington; any resident dependent student who remains in this
31 state when such student's parents, having theretofore been domiciled in
32 this state for a period of one year immediately prior to the time of
33 commencement of the first day of the semester or quarter for which the
34 student has registered at any institution, remove from this state,
35 shall be entitled to continued classification as a resident student so
36 long as such student's attendance (except summer sessions) at an
37 institution in this state is continuous.

1 (3) To aid the institution in deciding whether a student, parent,
2 legally appointed guardian or the person having legal custody of a
3 student is domiciled in the state of Washington primarily for purposes
4 other than educational, the rules and regulations adopted by the higher
5 education coordinating board shall include but not be limited to the
6 following:

7 (a) Registration or payment of Washington taxes or fees on a motor
8 vehicle, mobile home, travel trailer, boat, or any other item of
9 personal property owned or used by the person for which state
10 registration or the payment of a state tax or fee is required will be
11 a factor in considering evidence of the establishment of a Washington
12 domicile.

13 (b) Permanent full time employment in Washington by a person will
14 be a factor in considering the establishment of a Washington domicile.

15 (c) Registration to vote for state officials in Washington will be
16 a factor in considering the establishment of a Washington domicile.

17 (4) After a student has registered at an institution such student's
18 classification shall remain unchanged in the absence of satisfactory
19 evidence to the contrary. A student wishing to apply for a change in
20 classification shall reduce such evidence to writing and file it with
21 the institution. In any case involving an application for a change
22 from nonresident to resident status, the burden of proof shall rest
23 with the applicant. Any change in classification, either nonresident
24 to resident, or the reverse, shall be based upon written evidence
25 maintained in the files of the institution and, if approved, shall take
26 effect the semester or quarter such evidence was filed with the
27 institution: PROVIDED, That applications for a change in
28 classification shall be accepted up to the thirtieth calendar day
29 following the first day of instruction of the quarter or semester for
30 which application is made.

31 **Sec. 7.** RCW 28B.15.031 and 1993 sp.s. c 18 s 6 and 1993 c 379 s
32 201 are each reenacted and amended to read as follows:

33 The term "operating fees" as used in this chapter shall include the
34 fees, other than building fees, charged all students registering at the
35 state's colleges and universities but shall not include fees for short
36 courses, self-supporting degree credit programs and courses, marine
37 station work, experimental station work, correspondence or extension
38 courses, and individual instruction and student deposits or rentals,

1 disciplinary and library fines, which colleges and universities shall
2 have the right to impose, laboratory, gymnasium, health, and student
3 activity fees, or fees, charges, rentals, and other income derived from
4 any or all revenue producing lands, buildings and facilities of the
5 colleges or universities heretofore or hereafter acquired, constructed
6 or installed, including but not limited to income from rooms,
7 dormitories, dining rooms, hospitals, infirmaries, housing or student
8 activity buildings, vehicular parking facilities, land, or the
9 appurtenances thereon, or such other special fees as may be established
10 by any college or university board of trustees or regents from time to
11 time. Program fees at the state universities, regional universities,
12 and The Evergreen State College are not included in operating fees.
13 All moneys received as operating fees at any institution of higher
14 education shall be deposited in a local account containing only
15 operating fees revenue and related interest: PROVIDED, That except as
16 provided in section 13 of this act, two and one-half percent of
17 operating fees shall be retained by the institutions, except the
18 technical colleges, for the purposes of RCW 28B.15.820. Local
19 operating fee accounts shall not be subject to appropriation by the
20 legislature or allotment procedures under chapter 43.88 RCW.

21 **Sec. 8.** RCW 28B.15.067 and 1992 c 231 s 4 are each amended to read
22 as follows:

23 (1) Tuition fees shall be established and adjusted annually under
24 the provisions of this chapter beginning with the 1987-88 academic
25 year. Such fees (~~(shall be identical, subject to other provisions of~~
26 ~~this chapter, for students enrolled at either state university, for~~
27 ~~students enrolled at the regional universities and The Evergreen State~~
28 ~~College and for students enrolled at any community college)) may vary
29 by term, by institution, and by campus for students enrolled at state
30 universities, regional universities, and The Evergreen State College.
31 Such fees shall be identical for students enrolled at any community
32 college. Except as provided in section 13 of this act, tuition fees
33 shall reflect the undergraduate and graduate educational costs of the
34 state universities, the regional universities and the community
35 colleges, respectively, in the amounts prescribed in this chapter.~~

36 (2) The tuition fees established under this chapter shall not apply
37 to high school students enrolling in community colleges under RCW
38 28A.600.300 through 28A.600.395.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 28B.15 RCW
2 to read as follows:

3 The governing boards of the state universities, regional
4 universities, and The Evergreen State College may charge program fees.
5 The fees may vary by program, by student category, and by campus.
6 These fees shall not be included in tuition fees.

7 **Sec. 10.** RCW 28B.15.076 and 1989 c 245 s 4 are each amended to
8 read as follows:

9 The higher education coordinating board shall determine and
10 transmit amounts constituting approved undergraduate and graduate
11 educational costs to the several boards of regents and trustees of the
12 state institutions of higher education by November 10 of each even-
13 numbered year except the year 1990 for which the transmittal shall be
14 made by December 17. Except as provided in section 13 of this act,
15 tuition fees shall be based on such costs in accordance with the
16 provisions of this chapter.

17 **Sec. 11.** RCW 28B.15.202 and 1993 sp.s. c 18 s 8 and 1993 c 379 s
18 202 are each reenacted and amended to read as follows:

19 Except as provided in section 13 of this act, tuition fees and
20 maximum services and activities fees at the University of Washington
21 and at Washington State University for other than the summer term shall
22 be as follows:

23 (1) For full time resident undergraduate students and all other
24 full time resident students not in graduate study programs or enrolled
25 in programs leading to the degrees of doctor of medicine, doctor of
26 dental surgery, and doctor of veterinary medicine, the total tuition
27 fees for the 1993-94 academic year shall be thirty-six and three-tenths
28 percent and thereafter total tuition fees shall be forty-one and one-
29 tenth percent of the per student undergraduate educational costs at the
30 state universities computed as provided in RCW 28B.15.067 and
31 28B.15.070: PROVIDED, That the building fees for each academic year
32 shall be one hundred and twenty dollars. Beginning with the 1995-96
33 academic year the building fee for each academic year shall ((be))
34 equal or exceed a percentage of total tuition fees. This percentage
35 shall be calculated by the higher education coordinating board and be
36 based on the actual percentage the building fee is of total tuition in
37 the 1994-95 academic year, rounded up to the nearest half percent.

1 (2) For full time resident graduate and law students not enrolled
2 in programs leading to the degrees of doctor of medicine, doctor of
3 dental surgery, and doctor of veterinary medicine, the total tuition
4 fees for the 1993-94 academic year shall be twenty-five and two-tenths
5 percent and thereafter total tuition fees shall be twenty-eight and
6 four-tenths percent of the per student graduate educational costs at
7 the state universities computed as provided in RCW 28B.15.067 and
8 28B.15.070: PROVIDED, That the building fees for each academic year
9 shall be one hundred and twenty dollars. Beginning with the 1995-96
10 academic year the building fee for each academic year shall ((be))
11 equal or exceed a percentage of total tuition fees. This percentage
12 shall be calculated by the higher education coordinating board and be
13 based on the actual percentage the building fee is of total tuition in
14 the 1994-95 academic year, rounded up to the nearest half percent.

15 (3) For full time resident students enrolled in programs leading to
16 the degrees of doctor of medicine, doctor of dental surgery, and doctor
17 of veterinary medicine, the total tuition fees shall be one hundred
18 sixty-seven percent of such fees charged in subsection (2) of this
19 section: PROVIDED, That the building fees for each academic year shall
20 be three hundred and forty-two dollars. Beginning with the 1995-96
21 academic year the building fee for each academic year shall ((be))
22 equal or exceed a percentage of total tuition fees. This percentage
23 shall be calculated by the higher education coordinating board and be
24 based on the actual percentage the building fee is of total tuition in
25 the 1994-95 academic year, rounded up to the nearest half percent.

26 (4) For full time nonresident undergraduate students and such other
27 full time nonresident students not in graduate study programs or
28 enrolled in programs leading to the degrees of doctor of medicine,
29 doctor of dental surgery, or doctor of veterinary medicine, the total
30 tuition fees for the 1993-94 academic year shall be one hundred nine
31 and three-tenths percent and thereafter total tuition fees shall be one
32 hundred twenty-two and nine-tenths percent of the per student
33 undergraduate educational costs at the state universities computed as
34 provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building
35 fees for each academic year shall be three hundred and fifty-four
36 dollars. Beginning with the 1995-96 academic year the building fee for
37 each academic year shall ((be)) equal or exceed a percentage of total
38 tuition fees. This percentage shall be calculated by the higher
39 education coordinating board and be based on the actual percentage the

1 building fee is of total tuition in the 1994-95 academic year, rounded
2 up to the nearest half percent.

3 (5) For full time nonresident graduate and law students not
4 enrolled in programs leading to the degrees of doctor of medicine,
5 doctor of dental surgery, and doctor of veterinary medicine, the total
6 tuition fees for the 1993-94 academic year shall be sixty-five and six-
7 tenths percent and thereafter total tuition fees shall be seventy-three
8 and six-tenths percent of the per student graduate educational costs at
9 the state universities computed as provided in RCW 28B.15.067 and
10 28B.15.070: PROVIDED, That the building fees for each academic year
11 shall be three hundred and fifty-four dollars. Beginning with the
12 1995-96 academic year the building fee for each academic year shall
13 ~~((be))~~ equal or exceed a percentage of total tuition fees. This
14 percentage shall be calculated by the higher education coordinating
15 board and be based on the actual percentage the building fee is of
16 total tuition in the 1994-95 academic year, rounded up to the nearest
17 half percent.

18 (6) For full time nonresident students enrolled in programs leading
19 to the degrees of doctor of medicine, doctor of dental surgery, and
20 doctor of veterinary medicine, the total tuition fees shall be one
21 hundred sixty-seven percent of such fees charged in subsection (5) of
22 this section: PROVIDED, That the building fees for each academic year
23 shall be five hundred and fifty-five dollars. Beginning with the 1995-
24 96 academic year the building fee for each academic year shall ~~((be))~~
25 equal or exceed a percentage of total tuition fees. This percentage
26 shall be calculated by the higher education coordinating board and be
27 based on the actual percentage the building fee is of total tuition in
28 the 1994-95 academic year, rounded up to the nearest half percent.

29 (7) The governing boards of the state universities shall charge to
30 and collect from each student, a services and activities fee. The
31 governing board may increase the existing fee annually, consistent with
32 budgeting procedures set forth in RCW 28B.15.045, by a percentage not
33 to exceed the annual percentage increase in resident undergraduate
34 tuition fees: PROVIDED, That such percentage increase shall not apply
35 to that portion of the services and activities fee previously committed
36 to the repayment of bonded debt. For the 1993-94 academic year,
37 services and activities fees shall not exceed two hundred forty-three
38 dollars per student. For the 1994-95 academic year, services and
39 activities fees shall not exceed two hundred forty-nine dollars per

1 student. The services and activities fee committee provided for in RCW
2 28B.15.045 may initiate a request to the governing board for a fee
3 increase.

4 **Sec. 12.** RCW 28B.15.402 and 1993 sp.s. c 18 s 11 and 1993 c 379 s
5 203 are each reenacted and amended to read as follows:

6 Except as provided in section 13 of this act, tuition fees and
7 maximum services and activities fees at the regional universities and
8 The Evergreen State College for other than the summer term shall be as
9 follows:

10 (1) For full time resident undergraduate students and all other
11 full time resident students not in graduate study programs, the total
12 tuition fees for the 1993-94 academic year shall be twenty-seven and
13 seven-tenths percent and thereafter total tuition fees shall be thirty-
14 one and five-tenths percent of the per student undergraduate
15 educational costs at the regional universities computed as provided in
16 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for
17 each academic year shall be seventy-six dollars and fifty cents.
18 Beginning with the 1995-96 academic year the building fee for each
19 academic year shall ~~((be))~~ equal or exceed a percentage of total
20 tuition fees. This percentage shall be calculated by the higher
21 education coordinating board and be based on the actual percentage the
22 building fee is of total tuition in the 1994-95 academic year, rounded
23 up to the nearest half percent.

24 (2) For full time resident graduate students, the total tuition
25 fees for the 1993-94 academic year shall be twenty-five and three-
26 tenths percent and thereafter total tuition fees shall be twenty-eight
27 and six-tenths percent of the per student graduate educational costs at
28 the regional universities computed as provided in RCW 28B.15.067 and
29 28B.15.070: PROVIDED, That the building fees for each academic year
30 shall be seventy-six dollars and fifty cents. Beginning with the 1995-
31 96 academic year the building fee for each academic year shall ~~((be))~~
32 equal or exceed a percentage of total tuition fees. This percentage
33 shall be calculated by the higher education coordinating board and be
34 based on the actual percentage the building fee is of total tuition in
35 the 1994-95 academic year, rounded up to the nearest half percent.

36 (3) For full time nonresident undergraduate students and all other
37 full time nonresident students not in graduate study programs, the
38 total tuition fees for the 1993-94 academic year shall be one hundred

1 nine and four-tenths percent and thereafter total tuition fees shall be
2 one hundred twenty-three percent of the per student undergraduate
3 educational costs at the regional universities computed as provided in
4 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for
5 each academic year shall be two hundred and ninety-five dollars and
6 fifty cents. Beginning with the 1995-96 academic year the building fee
7 for each academic year shall ((be)) equal or exceed a percentage of
8 total tuition fees. This percentage shall be calculated by the higher
9 education coordinating board and be based on the actual percentage the
10 building fee is of total tuition in the 1994-95 academic year, rounded
11 up to the nearest half percent.

12 (4) For full time nonresident graduate students, the total tuition
13 fees for the 1993-94 academic year shall be eighty-two percent and
14 thereafter total tuition fees shall be ninety-two percent of the per
15 student graduate educational costs at the regional universities
16 computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That
17 the building fees for each academic year shall be two hundred and
18 ninety-five dollars and fifty cents. Beginning with the 1995-96
19 academic year the building fee for each academic year shall ((be))
20 equal or exceed a percentage of total tuition fees. This percentage
21 shall be calculated by the higher education coordinating board and be
22 based on the actual percentage the building fee is of total tuition in
23 the 1994-95 academic year, rounded up to the nearest half percent.

24 (5) The governing boards of each of the regional universities and
25 The Evergreen State College shall charge to and collect from each
26 student, a services and activities fee. The governing board may
27 increase the existing fee annually, consistent with budgeting
28 procedures set forth in RCW 28B.15.045, by a percentage not to exceed
29 the annual percentage increase in resident undergraduate tuition fees:
30 PROVIDED, That such percentage increase shall not apply to that portion
31 of the services and activities fee previously committed to the
32 repayment of bonded debt. For the 1993-94 academic year, services and
33 activities fees shall not exceed two hundred ((eight-four-[eighty-
34 four])) eighty-four dollars per student. For the 1994-95 academic
35 year, services and activities fees shall not exceed two hundred ninety
36 dollars per student. The services and activities fee committee
37 provided for in RCW 28B.15.045 may initiate a request to the governing
38 board for a fee increase.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 28B.15
2 RCW to read as follows:

3 The governing board of a state university, regional university, or
4 The Evergreen State College may adjust the level of tuition fees above
5 or below the levels prescribed in RCW 28B.15.202 and 28B.15.402, for
6 students in any category, under the following conditions:

7 (1) The board shall, through a process adopted in rule, consult
8 with students;

9 (2) The per student funding of estimated or actual state
10 appropriations plus tuition fees and program fees shall be below a
11 percentile of similar funding for the institution's peers adopted under
12 RCW 28B.80.330, as follows:

13 (a) During the 1995-96 academic year, the sixty-fifth percentile;

14 (b) During the 1996-97 academic year, the seventieth percentile;

15 (c) During the 1997-98 academic year, the seventy-fifth percentile;

16 (d) During the 1998-99 academic year, the eightieth percentile;

17 (e) During the 1999-2000 academic year, the eighty-fifth
18 percentile; and

19 (f) During the 2000-01 academic year and thereafter, the ninetieth
20 percentile;

21 (3) In any academic year, the total revenue collected from tuition
22 fees and program fees, when added to state appropriations, shall not
23 exceed the combined state appropriation and tuition and fee revenues
24 for that institution's peers at the percentiles described in subsection
25 (2) of this section; and

26 (4) If a governing board increases tuition fees under the authority
27 granted to it under this section, at least five percent of all revenue
28 collected from tuition fees shall be used for the purposes of RCW
29 28B.15.820.

30 **Sec. 14.** RCW 28B.15.556 and 1993 sp.s. c 18 s 21 are each amended
31 to read as follows:

32 Subject to the limitations of RCW 28B.15.910, the governing boards
33 of the state universities, the regional universities, and The Evergreen
34 State College may waive all or a portion of the tuition, and services
35 and activities fees for undergraduate or graduate students of foreign
36 nations subject to the following limitations:

1 (1) ~~((No more than the equivalent of one hundred waivers may be~~
2 ~~awarded to undergraduate or graduate students of foreign nations at~~
3 ~~each of the two state universities;~~

4 (2) ~~No more than the equivalent of twenty waivers may be awarded to~~
5 ~~undergraduate or graduate students of foreign nations at each of the~~
6 ~~regional universities and The Evergreen State College;~~

7 (3)) Priority in the awarding of waivers shall be given to
8 students on academic exchanges or academic special programs sponsored
9 by recognized international educational organizations(~~(; and~~

10 (4) ~~An undergraduate or graduate student of a foreign nation~~
11 ~~receiving a waiver under this section is not eligible for any other~~
12 ~~waiver)).~~

13 (2) The waiver programs under this section, to the greatest extent
14 possible, shall promote reciprocal placements and waivers in foreign
15 nations for Washington residents. The number of waivers awarded by
16 each institution shall not exceed the number of that institution's own
17 students enrolled in approved study programs abroad during the same
18 period.

19 **Sec. 15.** RCW 28B.15.725 and 1993 sp.s. c 18 s 26 are each amended
20 to read as follows:

21 Subject to the limitations of RCW 28B.15.910, the governing boards
22 of the state universities, the regional universities, and The Evergreen
23 State College may enter into undergraduate (~~(upper division))~~ student
24 exchange agreements with (~~(comparable public four-year))~~ institutions
25 of higher education of other states and agree to exempt participating
26 undergraduate (~~(upper division))~~ students from payment of all or a
27 portion of the nonresident tuition fees differential subject to the
28 following restrictions:

29 (1) In any given academic year, the number of students receiving a
30 waiver at a state institution shall not exceed the number of that
31 institution's students receiving nonresident tuition waivers at
32 participating out-of-state institutions. Waiver imbalances that may
33 occur in one year shall be off-set in the year immediately following.

34 (2) Undergraduate (~~(upper division))~~ student participation in an
35 exchange program authorized by this section is limited to one academic
36 year.

1 **Sec. 16.** 1989 c 290 s 1 (uncodified) is amended to read as
2 follows:

3 The legislature recognizes that a unique educational experience can
4 result from an undergraduate (~~(upper division)~~) student attending an
5 out-of-state institution. It also recognizes that some Washington
6 residents may be unable to pursue such out-of-state enrollment owing to
7 their limited financial resources and the higher cost of nonresident
8 tuition. The legislature intends to facilitate expanded nonresident
9 undergraduate (~~(upper division)~~) enrollment opportunities for residents
10 of the state by authorizing the governing boards of the four-year
11 institutions of higher education to enter into exchange programs with
12 other states' (~~(comparable public four-year)~~) institutions with
13 comparable programs wherein the participating institutions agree that
14 visiting undergraduate (~~(upper division)~~) students will pay resident
15 tuition rates of the host institutions.

16 **Sec. 17.** RCW 28B.15.740 and 1993 sp.s. c 18 s 28 are each amended
17 to read as follows:

18 Subject to the limitations of RCW 28B.15.910, the governing boards
19 of the state universities, the regional universities, The Evergreen
20 State College, and the community colleges may waive all or a portion of
21 tuition and fees subject to the following restrictions:

22 (1) (~~(Except as provided in subsection (2) of this section,~~) The
23 total dollar amount of tuition and fee waivers awarded by the governing
24 boards of community colleges considered as a whole shall not exceed
25 (~~(four percent, except for the community colleges considered as a~~
26 ~~whole, such amount shall not exceed)~~) three percent of an amount
27 determined by estimating the total collections from tuition and
28 services and activities fees had no such waivers been made, and
29 deducting the portion of that total amount that is attributable to the
30 difference between resident and nonresident fees: PROVIDED, That at
31 least three-fourths of the dollars waived shall be for needy students
32 who are eligible for resident tuition and fee rates pursuant to RCW
33 28B.15.012 and 28B.15.013: PROVIDED FURTHER, That the remainder of the
34 dollars waived, not to exceed one-fourth of the total, may be applied
35 to other students at the discretion of the governing boards, except on
36 the basis of participation in intercollegiate athletic programs(~~(+~~
37 ~~PROVIDED FURTHER, That the waivers for undergraduate and graduate~~

1 ~~students of foreign nations under RCW 28B.15.556 are not subject to the~~
2 ~~limitation under this section)).~~

3 (2) ~~((In addition to the tuition and fee waivers provided in~~
4 ~~subsection (1) of this section and))~~ The governing boards of the state
5 universities, regional universities, and The Evergreen State College
6 may waive all or a portion of tuition and fees for needy students who
7 are eligible for resident tuition and fee rates pursuant to RCW
8 28B.15.012 and 28B.15.013, or for any other student, except on the
9 basis of intercollegiate athletics.

10 (3) Subject to the provisions of RCW 28B.15.455 and 28B.15.460, a
11 total dollar amount of tuition and fee waivers awarded by any state
12 university, regional university, or state college under this chapter,
13 not to exceed one percent, as calculated in subsection (1) of this
14 section, may be used for the purpose of achieving or maintaining gender
15 equity in intercollegiate athletic programs. At any institution that
16 has an underrepresented gender class in intercollegiate athletics, any
17 such waivers shall be awarded:

18 (a) First, to members of the underrepresented gender class who
19 participate in intercollegiate athletics, where such waivers result in
20 saved or displaced money that can be used for athletic programs for the
21 underrepresented gender class. Such saved or displaced money shall be
22 used for programs for the underrepresented gender class; and

23 (b) Second, (i) to nonmembers of the underrepresented gender class
24 who participate in intercollegiate athletics, where such waivers result
25 in saved or displaced money that can be used for athletic programs for
26 members of the underrepresented gender class. Such saved or displaced
27 money shall be used for programs for the underrepresented gender class;
28 or (ii) to members of the underrepresented gender class who participate
29 in intercollegiate athletics, where such waivers do not result in any
30 saved or displaced money that can be used for athletic programs for
31 members of the underrepresented gender class.

32 **Sec. 18.** RCW 28B.15.820 and 1993 c 385 s 1 and 1993 c 173 s 1 are
33 each reenacted and amended to read as follows:

34 (1) ~~Each ((institution of higher education, except technical~~
35 ~~colleges,))~~ community college shall deposit two and one-half percent of
36 revenues collected from tuition and services and activities fees in an
37 institutional financial aid fund that is hereby created and which shall
38 be held locally. Each state university, regional university, and The

1 Evergreen State College shall deposit a minimum of two and one-half
2 percent of revenue collected from tuition and services and activities
3 fees into the fund. Any institution that exercises the authority
4 granted in section 13 of this act shall deposit a minimum of five
5 percent of revenue collected from tuition and services and activities
6 fees into the fund. Moneys in the fund shall be used only for the
7 following purposes: (a) To make guaranteed long-term loans to eligible
8 students as provided in subsections (3) through (8) of this section;
9 (b) to make short-term loans as provided in subsection (9) of this
10 section; or (c) to provide financial aid to needy students as provided
11 in subsection (10) of this section.

12 (2) An "eligible student" for the purposes of subsections (3)
13 through (8) and (10) of this section is a student registered for at
14 least six credit hours or the equivalent, who is eligible for resident
15 tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.013,
16 and who is a "needy student" as defined in RCW 28B.10.802.

17 (3) The amount of the guaranteed long-term loans made under this
18 section shall not exceed the demonstrated financial need of the
19 student. Each institution shall establish loan terms and conditions
20 which shall be consistent with the terms of the guaranteed loan program
21 established by 20 U.S. Code Section 1071 et seq., as now or hereafter
22 amended. All loans made shall be guaranteed by the Washington student
23 loan guaranty association or its successor agency. Institutions are
24 hereby granted full authority to operate as an eligible lender under
25 the guaranteed loan program.

26 (4) Before approving a guaranteed long-term loan, each institution
27 shall analyze the ability of the student to repay the loan based on
28 factors which include, but are not limited to, the student's
29 accumulated total education loan burdens and the employment
30 opportunities and average starting salary characteristics of the
31 student's chosen fields of study. The institution shall counsel the
32 student on the advisability of acquiring additional debt, and on the
33 availability of other forms of financial aid.

34 (5) Each institution is responsible for collection of guaranteed
35 long-term loans made under this section and shall exercise due
36 diligence in such collection, maintaining all necessary records to
37 insure that maximum repayments are made. Institutions shall cooperate
38 with other lenders and the Washington student loan guaranty
39 association, or its successor agency, in the coordinated collection of

1 guaranteed loans, and shall assure that the guarantability of the loans
2 is not violated. Collection and servicing of guaranteed long-term
3 loans under this section shall be performed by entities approved for
4 such servicing by the Washington student loan guaranty association or
5 its successor agency: PROVIDED, That institutions be permitted to
6 perform such servicing if specifically recognized to do so by the
7 Washington student loan guaranty association or its successor agency.
8 Collection and servicing of guaranteed long-term loans made by
9 community colleges under subsection (1) of this section shall be
10 coordinated by the state board for community and technical colleges and
11 shall be conducted under procedures adopted by the state board.

12 (6) Receipts from payment of interest or principal or any other
13 subsidies to which institutions as lenders are entitled, that are paid
14 by or on behalf of borrowers of funds under subsections (3) through (8)
15 of this section, shall be deposited in each institution's financial aid
16 fund and shall be used to cover the costs of making the guaranteed
17 long-term loans under this section and maintaining necessary records
18 and making collections under subsection (5) of this section: PROVIDED,
19 That such costs shall not exceed five percent of aggregate outstanding
20 loan principal. Institutions shall maintain accurate records of such
21 costs, and all receipts beyond those necessary to pay such costs, shall
22 be deposited in the institution's financial aid fund.

23 (7) The governing boards of the state universities, the regional
24 universities, and The Evergreen State College, and the state board for
25 community and technical colleges, on behalf of the community colleges,
26 shall each adopt necessary rules and regulations to implement this
27 section.

28 (8) First priority for any guaranteed long-term loans made under
29 this section shall be directed toward students who would not normally
30 have access to educational loans from private financial institutions in
31 Washington state, and maximum use shall be made of secondary markets in
32 the support of loan consolidation.

33 (9) Short-term low or no-interest loans, not to exceed one year,
34 may be made from the institutional financial aid fund to students
35 enrolled in the institution. No such loan shall be made to any student
36 who is known by the institution to be in default or delinquent in the
37 payment of any outstanding student loan. A short-term loan may be made
38 only if the institution has ample evidence that the student has the

1 capability of repaying the loan within the time frame specified by the
2 institution for repayment.

3 (10) Any moneys deposited in the institutional financial aid fund
4 that are not used in making long-term or short-term loans may be used
5 by the institution for locally-administered financial aid programs for
6 needy students, such as need-based institutional employment programs or
7 need-based tuition and fee scholarship or grant programs. These funds
8 shall be used in addition to and not to replace institutional funds
9 that would otherwise support these locally-administered financial aid
10 programs. First priority in the use of these funds shall be given to
11 needy students who have accumulated excessive educational loan burdens.
12 An excessive educational loan burden is a burden that will be difficult
13 to repay given employment opportunities and average starting salaries
14 in the student's chosen fields of study. Second priority in the use of
15 these funds shall be given to needy single parents, to assist these
16 students with their educational expenses, including expenses associated
17 with child care and transportation.

18 **Sec. 19.** RCW 28B.10.776 and 1993 sp.s. c 15 s 2 are each amended
19 to read as follows:

20 It is the policy of the state of Washington that the essential
21 requirements level budget calculation for (~~institutions of~~) higher
22 education include enrollment levels necessary to maintain, by
23 educational sector, the participation rate funded in the 1993 fiscal
24 year. The participation rate shall be based on the state's estimated
25 population ages seventeen and above by appropriate age groups. Any new
26 enrollments necessary to maintain participation rates in four-year
27 institutions of higher education shall be included in the essential
28 requirements level budget calculation for the higher education
29 coordinating board.

30 **Sec. 20.** RCW 28B.10.782 and 1993 sp.s. c 15 s 5 are each amended
31 to read as follows:

32 It is the policy of the state of Washington that higher education
33 enrollments be increased in increments each biennium in order to
34 achieve, by the year 2010, the goals, by educational sector, adopted by
35 the higher education coordinating board in its enrollment plan entitled
36 "Design for the 21st Century: Expanding Higher Education Opportunities
37 in Washington," or subsequent revisions adopted by the board.

1 Per student costs for additional students to achieve this policy
2 shall be at the same rate per student as enrollments mandated in RCW
3 28B.10.776.

4 For (~~each public college and university,~~) four-year institutions
5 of higher education as a whole and for the community and technical
6 college system, budget documents generated by the governor and the
7 legislature in the development and consideration of the biennial
8 omnibus appropriations act shall display an enrollment target level.
9 The enrollment target level is the biennial state-funded enrollment
10 increase necessary to fulfill the state policy set forth in this
11 section. The enrollment level for four-year institutions of higher
12 education as a whole shall be displayed in the budget of the higher
13 education coordinating board. The budget documents shall compare the
14 enrollment target level with the state-funded enrollment increases
15 contained in the biennial budget proposals of the governor and each
16 house of the legislature. The information required by this section
17 shall be set forth in the budget documents so that enrollment and cost
18 information concerning the number of students and additional funds
19 needed to reach the enrollment goals are prominently displayed and
20 easily understood.

21 For the governor's budget request, the information required by this
22 section shall be made available in the document entitled "Operating
23 Budget Supporting Data" or its successor document.

24 **Sec. 21.** RCW 28B.80.320 and 1985 c 370 s 3 are each amended to
25 read as follows:

26 The purpose of the board is to provide planning, coordination,
27 monitoring, and policy analysis for higher education in the state of
28 Washington in cooperation and consultation with the institutions'
29 autonomous governing boards and with all other segments of
30 postsecondary education, including but not limited to the state board
31 for community and technical colleges (~~(education)~~) and the (~~(commission~~
32 ~~for vocational education)~~) work force training and education
33 coordinating board. The purpose of the board is also to receive and
34 disburse state general fund moneys for financial aid, new state-funded
35 enrollments in four-year institutions of higher education, and new
36 higher education programs and policies funded in the biennial
37 appropriations act. The legislature intends that the board represent

1 the broad public interest above the interests of the individual
2 colleges and universities.

3 **Sec. 22.** RCW 28B.80.330 and 1993 c 363 s 6 are each amended to
4 read as follows:

5 The board shall perform the following planning duties in
6 consultation with the four-year institutions, the community and
7 technical college system, and when appropriate the work force training
8 and education coordinating board, the superintendent of public
9 instruction, and the independent higher educational institutions:

10 (1) Develop and establish role and mission statements and a set of
11 peer institutions for each of the four-year institutions and for the
12 community and technical college system. In adopting or revising a set
13 of peer institutions, the board shall consult with institutions of
14 higher education, the office of financial management, and the house of
15 representatives and senate higher education and fiscal committees;

16 (2) Identify the state's higher education goals, objectives, and
17 priorities;

18 (3) Prepare a comprehensive master plan which includes but is not
19 limited to:

20 (a) Assessments of the state's higher education needs. These
21 assessments may include, but are not limited to: The basic and
22 continuing needs of various age groups; business and industrial needs
23 for a skilled work force; analyses of demographic, social, and economic
24 trends; consideration of the changing ethnic composition of the
25 population and the special needs arising from such trends; college
26 attendance, retention, and dropout rates, and the needs of recent high
27 school graduates and placebound adults. The board should consider the
28 needs of residents of all geographic regions, but its initial
29 priorities should be applied to heavily populated areas underserved by
30 public institutions;

31 (b) Recommendations on enrollment and other policies and actions to
32 meet those needs;

33 (c) Guidelines for continuing education, adult education, public
34 service, and other higher education programs.

35 The initial plan shall be submitted to the governor and the
36 legislature by December 1, 1987. Comments on the plan from the board's
37 advisory committees and the institutions shall be submitted with the
38 plan.

1 The plan shall be updated every four years, and presented to the
2 governor and the appropriate legislative policy committees. Following
3 public hearings, the legislature shall, by concurrent resolution,
4 approve or recommend changes to the initial plan, and the updates. The
5 plan shall then become state higher education policy unless legislation
6 is enacted to alter the policies set forth in the plan;

7 (4) Review, evaluate, and make recommendations on operating and
8 capital budget requests from four-year institutions and the community
9 and technical college system, based on the elements outlined in
10 subsections (1), (2), and (3) of this section, and on guidelines which
11 outline the board's fiscal priorities. These guidelines shall be
12 distributed to the institutions and the community college board by
13 December of each odd-numbered year. The institutions and the community
14 college board shall submit an outline of their proposed budgets,
15 identifying major components, to the board no later than August 1 of
16 each even-numbered year. The board shall submit recommendations on the
17 proposed budgets and on the board's budget priorities to the office of
18 financial management before October 15 of each even-numbered year, and
19 to the legislature by January 1 of each odd-numbered year. In
20 addition, the board shall develop and submit to the governor and the
21 legislature a budget request for the higher education system as a
22 whole. The request shall describe any new funding needed to meet all
23 or a portion of the state's higher education priorities, enrollments in
24 four-year institutions needed to maintain current participation rates,
25 and enrollments in four-year institutions needed to meet the board's
26 enrollment targets. The request shall be separate from the budget
27 requests submitted to the governor and the legislature by each of the
28 four-year institutions and the state board for community and technical
29 colleges;

30 (5) Recommend legislation affecting higher education;

31 (6) Recommend tuition and fees policies and levels based on
32 comparisons with peer institutions;

33 (7) Establish priorities and develop recommendations on financial
34 aid based on comparisons with peer institutions;

35 (8) Prepare recommendations on merging or closing institutions; and

36 (9) Develop criteria for identifying the need for new baccalaureate
37 institutions.

1 **Sec. 23.** RCW 28B.80.340 and 1985 c 370 s 5 are each amended to
2 read as follows:

3 The board shall perform the following program responsibilities, in
4 consultation with the institutions and with other interested agencies
5 and individuals:

6 ~~(1) ((Approve the creation of any new degree programs at the four-~~
7 ~~year institutions and prepare fiscal notes on any such programs;~~

8 ~~(2))~~ Review, evaluate, and make recommendations for the
9 modification, consolidation, initiation, or elimination of ~~((on-~~
10 ~~campus))~~ programs~~((7))~~ at the four-year institutions;

11 ~~((3) Review and evaluate and approve, modify, consolidate,~~
12 ~~initiate, or eliminate off-campus programs at the four-year~~
13 ~~institutions;~~

14 ~~(4) Approve, and adopt)~~ (2) Recommend guidelines for((7)) higher
15 education centers and consortia;

16 ~~((5) Approve)~~ (3) Review and recommend institutional requests for
17 the purchase or lease of major off-campus facilities for the four-year
18 institutions and the community colleges; and

19 ~~((6) Establish campus service areas and define on-campus and off-~~
20 ~~campus activities and major facilities; and~~

21 ~~(7) Approve contracts for off-campus educational programs initiated~~
22 ~~by the state's four-year institutions individually, in concert with~~
23 ~~other public institutions, or with independent institutions))~~ (4)
24 Recommend guidelines for off-campus programs and new or leased
25 facilities, based on agreements adopted by the board and by four-year
26 institutions of higher education.

27 **Sec. 24.** RCW 28B.80.610 and 1993 c 363 s 2 are each amended to
28 read as follows:

29 (1) At the local level, the higher education institutional
30 responsibilities include but are not limited to:

31 (a) Development and provision of strategic plans under the
32 guidelines established by the higher education coordinating board. In
33 developing their strategic plans, the research universities shall
34 consider the feasibility of significantly increasing the number of
35 evening graduate classes;

36 (b) For the four-year institutions of higher education, timely
37 provision of information required by the higher education coordinating
38 board to report to the governor, the legislature, and the citizens;

1 (c) Provision of local student financial aid delivery systems to
2 achieve both state-wide goals and institutional objectives in concert
3 with state-wide policy; and

4 (d) Operating as efficiently as feasible within institutional
5 missions and goals.

6 (2) At the state level, the higher education coordinating board
7 shall be responsible for:

8 (a) Delineation and coordination of strategic plans to be prepared
9 by the institutions;

10 (b) Preparation of reports to the governor, the legislature, and
11 the citizens on program accomplishments and use of resources by the
12 institutions;

13 (c) Administration and policy implementation for state-wide student
14 financial aid programs; (~~and~~)

15 (d) Assistance to institutions in improving operational efficiency
16 through measures that include periodic review of program efficiencies;
17 and

18 (e) Distribution of new state general fund moneys for four-year
19 institutions of higher education, beyond the amount appropriated to
20 each institution for the previous biennium, as adjusted for inflation,
21 one-time costs, and other policy initiatives adopted by the legislature
22 in the biennial appropriations act.

23 (3) At the state level, on behalf of community colleges and
24 technical colleges, the state board for community and technical
25 colleges shall coordinate and report on the system's strategic plans
26 and shall provide any information required of its colleges by the
27 higher education coordinating board.

28 NEW SECTION. Sec. 25. A new section is added to chapter 28B.80
29 RCW to read as follows:

30 (1) The higher education coordinating board may contract with an
31 independent institution of higher education as defined in this section,
32 to provide services subject to the following conditions:

33 (a) There has been a finding of need and that the contract
34 represents the most cost-effective way of providing the services to
35 resident students in a particular locality;

36 (b) Only students who are residents of the state of Washington
37 shall receive services pursuant to the contract. As used in this
38 subsection, "residents of the state of Washington" means that the

1 students would be eligible to pay resident tuition rates under RCW
2 28B.15.012 and 28B.15.013 if they were enrolled at state institutions
3 of higher education as defined in RCW 28B.10.016;

4 (c) The content of the program shall not include any religious or
5 sectarian instruction, nor shall any student for whom a contract
6 provision has been made be expected to participate in any sectarian
7 activity as a condition of enrollment;

8 (d) The tuition and fees charged to resident students by the
9 independent institution of higher education for the degree program or
10 instructional program services shall not exceed the rate for resident
11 tuition fees, services and activities fees, and any applicable program
12 fees for comparable programs at institutions of higher education as
13 defined in RCW 28B.10.016, as determined by the higher education
14 coordinating board; and

15 (e) The contract has been approved by the office of the attorney
16 general.

17 (2) Unless the context clearly requires otherwise, the following
18 definitions apply throughout this section.

19 (a) "Instructional program" means a course of study leading to
20 certification, licensure, or to a degree at the associate,
21 baccalaureate, masters, or doctoral level.

22 (b) "Independent institution of higher education" means a private,
23 nonprofit educational institution, the main campus of which is
24 permanently situated in the state, that is not pervasively sectarian,
25 that does not restrict entry or employment on the grounds of race,
26 gender, religion, or disability, that provides programs of education
27 beyond high school leading at least to the baccalaureate degree, and
28 that is accredited by the Northwest association of schools and
29 colleges, or by an accrediting association recognized by the higher
30 education coordinating board.

31 NEW SECTION. **Sec. 26.** RCW 41.06.382 and 1979 ex.s. c 46 s 1 are
32 each repealed.

33 NEW SECTION. **Sec. 27.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

--- END ---