
SENATE BILL 5713

State of Washington

56th Legislature

1999 Regular Session

By Senators Kohl-Welles, Bauer, T. Sheldon, Morton, Sellar, West, Winsley, Oke and Rasmussen

Read first time 02/03/1999. Referred to Committee on Higher Education.

1 AN ACT Relating to services and activities fees at institutions of
2 higher education; and amending RCW 28B.15.044 and 28B.15.045.

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

4 **Sec. 1.** RCW 28B.15.044 and 1986 c 91 s 1 are each amended to read
5 as follows:

6 It is the intent of the legislature that students (~~((will propose~~
7 ~~budgetary recommendations for consideration by))~~ and the college or
8 university administration and governing board (~~((to the extent that such~~
9 ~~budget recommendations are intended to be funded by services and~~
10 ~~activities fees))~~ work collaboratively to budget services and
11 activities fees). It is also the intent of the legislature that
12 services and activities fee expenditures for programs devoted to
13 political or economic philosophies shall result in the presentation of
14 a spectrum of ideas.

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

17 The legislature recognizes that institutional governing boards have
18 a responsibility to manage and protect institutions of higher

1 education. This responsibility includes ensuring certain lawful
2 agreements for which revenues from services and activities fees have
3 been pledged. Such lawful agreements include, but are not limited to,
4 bond covenant agreements and other contractual obligations.
5 Institutional governing boards are also expected to protect the
6 stability of programs that benefit students.

7 The legislature also recognizes that services and activities fees
8 are paid by students for the express purpose of funding student
9 services and programs, and that students are the most appropriate
10 judges of which expenditures best serve their needs. It is the intent
11 of the legislature that governing boards (~~((ensure that))~~) and students
12 have (~~((a strong))~~) an equal voice in (~~((recommending))~~) determining
13 budgets for services and activities fees. The boards of trustees and
14 the boards of regents of the respective institutions of higher
15 education shall adopt guidelines governing the establishment and
16 funding of programs supported by services and activities fees upon the
17 written agreement of their respective student government association or
18 its equivalent. Such guidelines shall stipulate procedures for
19 budgeting and expending services and activities fee revenue. Any such
20 guidelines shall be consistent with the following provisions:

21 (1) Student representatives from the services and activities fee
22 committee and representatives of the college or university
23 administration shall have an opportunity to address the board before
24 board decisions on services and activities fee budgets and dispute
25 resolution actions are made;

26 (2) (~~((Members of the governing boards shall adhere to the principle~~
27 ~~that services and activities fee committee desires be given priority~~
28 ~~consideration on funding items that do not fall into the categories of~~
29 ~~preexisting contractual obligations, bond covenant agreements, or~~
30 ~~stability for programs affecting students))~~ Revenue from this fee shall
31 be used exclusively to support student services and programs;

32 (3) Responsibility for proposing (~~((to the administration and the~~
33 ~~governing board program priorities and budget levels for that portion~~
34 ~~of program budgets that derive from))~~) an annual expenditure plan for
35 services and activities fees revenues shall reside with a services and
36 activities fee committee, on which students shall hold at least a
37 majority of the voting memberships, such student members shall
38 represent diverse student interests, and shall be recommended by the
39 student government association or its equivalent. The chairperson of

1 the services and activities fee committee shall be selected by the
2 members of that committee. The governing board shall insure that the
3 services and activities fee committee provides an opportunity for all
4 viewpoints to be heard at a public meeting during its consideration of
5 the funding of student programs and activities.

6 (4) The services and activities fee committee shall evaluate
7 existing and proposed programs and submit a budget (~~recommendations~~)
8 for the expenditure of (~~those~~) services and activities fees with
9 supporting documents simultaneously to the college or university
10 governing board and administration.

11 (5) The college or university administration shall review the
12 services and activities fee committee budget (~~recommendations~~) and
13 publish a written response to the services and activities fee
14 committee. This response shall (~~outline potential areas of difference~~
15 ~~between the committee recommendations and the administration's proposed~~
16 ~~budget recommendations~~) detail any concerns with the committee's
17 budget, particularly any perceived failure by the committee to observe
18 preexisting contractual obligations or bond covenant agreements. This
19 response, with supporting documentation, shall be submitted to the
20 services and activities fee committee in a timely manner to allow
21 adequate consideration.

22 (6)(a) In the event of a dispute or disputes involving the services
23 and activities fee committee (~~recommendations~~) budget, the college or
24 university administration shall meet with the services and activities
25 fee committee in a good faith effort to resolve such dispute or
26 disputes (~~prior to submittal of final recommendations to~~) before
27 review of the services and activities fee committee budget by the
28 governing board.

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

32 (7) The dispute resolution committee shall be selected as follows:
33 The college or university administration shall appoint two nonvoting
34 advisory members; the governing board shall appoint three voting
35 members; and the services and activities fee committee chair shall
36 appoint three student members of the services and activities fee
37 committee who will have a vote, and one student representing the
38 services and activities fee committee who will chair the dispute
39 resolution committee and be nonvoting. The committee shall meet in

1 good faith, and settle by vote any and all disputes. In the event of
2 a tie vote, the chair of the dispute resolution committee shall vote to
3 settle the dispute.

4 (8) The governing board may take action on those portions of the
5 services and activities fee committee budget not in dispute in
6 accordance with the customary budget approval timeline established by
7 the board. When considering the services and activities fee committee
8 budget, the governing board shall be limited to approving or
9 disapproving expenditures, however the board may approve expenditures
10 not contained in the services and activities fee committee budget to
11 remedy any failure by the committee to observe preexisting contractual
12 obligations or bond covenant agreements. The governing board shall
13 consider the results, if any, of the dispute resolution committee and
14 ~~((shall take action))~~ may approve expenditures recommended by the
15 dispute resolution committee.

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

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

23 (11) All information pertaining to services and activities fees
24 budgets shall be made available to interested parties.

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

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

1 (14) Only changes in the amount of services and activities fees
2 agreed upon by the services and activities fee committee and the
3 governing board may be used to adjust the amount charged to students.

4 NEW SECTION. **Sec. 3.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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