
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5770

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Jacobsen and Horn; by request of Governor Locke)

READ FIRST TIME 03/01/2002.

1 AN ACT Relating to tuition setting authority, tuition levels,
2 tuition waivers, and the use of tuition in higher education; amending
3 RCW 28B.15.031, 28B.15.067, 28B.15.069, 28B.15.910, and 28B.15.100; and
4 repealing RCW 28B.15.066.

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

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

8 The term "operating fees" as used in this chapter shall include the
9 fees, other than building fees, charged all students registering at the
10 state's colleges and universities but shall not include fees for short
11 courses, self-supporting degree credit programs and courses, marine
12 station work, experimental station work, correspondence or extension
13 courses, and individual instruction and student deposits or rentals,
14 disciplinary and library fines, which colleges and universities shall
15 have the right to impose, laboratory, gymnasium, health, technology and
16 student activity fees, or fees, charges, rentals, and other income
17 derived from any or all revenue producing lands, buildings and
18 facilities of the colleges or universities heretofore or hereafter
19 acquired, constructed or installed, including but not limited to income

1 from rooms, dormitories, dining rooms, hospitals, infirmaries, housing
2 or student activity buildings, vehicular parking facilities, land, or
3 the appurtenances thereon, or such other special fees as may be
4 established by any college or university board of trustees or regents
5 from time to time. All moneys received as operating fees at any
6 institution of higher education shall be deposited in a local account
7 containing only operating fees revenue and related interest: PROVIDED,
8 That a minimum of three and one-half percent of operating fees shall be
9 retained by the institutions(~~(, except the technical colleges,)~~) for
10 the purposes of RCW 28B.15.820. Local operating fee accounts shall not
11 be subject to appropriation by the legislature or allotment procedures
12 under chapter 43.88 RCW.

13 **Sec. 2.** RCW 28B.15.067 and 1997 c 403 s 1 are each amended to read
14 as follows:

15 (1) Tuition fees shall be established under the provisions of this
16 chapter.

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

20 (a) ~~At the University of Washington and Washington State~~
21 ~~University:~~

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

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

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

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

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

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

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

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

3 ~~(viii) For nonresident first professional students, twenty one~~
4 ~~thousand twenty four dollars.~~

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

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

8 ~~(ii) For nonresident undergraduate and all other nonresident~~
9 ~~students not in graduate programs, eight thousand six hundred forty six~~
10 ~~dollars;~~

11 ~~(iii) For resident graduate students, three thousand seven hundred~~
12 ~~twenty six dollars; and~~

13 ~~(iv) For nonresident graduate students, eleven thousand nine~~
14 ~~hundred seventy six dollars.~~

15 ~~(c) At the community colleges:~~

16 ~~(i) For resident students, one thousand three hundred eleven~~
17 ~~dollars; and~~

18 ~~(ii) For nonresident students, five thousand five hundred eighty~~
19 ~~six dollars.~~

20 ~~(3)) Academic year tuition for full-time students at the state's~~
21 ~~institutions of higher education beginning with the 1998-99 academic~~
22 ~~year, other than the summer term, shall be as provided in this~~
23 ~~subsection unless different rates are adopted in the omnibus~~
24 ~~appropriations act.~~

25 ~~(a) At the University of Washington and Washington State~~
26 ~~University:~~

27 ~~(i) For resident undergraduate students and other resident students~~
28 ~~not in graduate, law, or first professional programs, three thousand~~
29 ~~one hundred eight dollars;~~

30 ~~(ii)(A) For nonresident undergraduate students and other~~
31 ~~nonresident students at the University of Washington not in graduate,~~
32 ~~law, or first professional programs, eleven thousand one hundred thirty~~
33 ~~dollars;~~

34 ~~(B) For nonresident undergraduate students and other nonresident~~
35 ~~students at Washington State University not in graduate or first~~
36 ~~professional programs, ten thousand two hundred sixty-six dollars;~~

37 ~~(iii) For resident graduate students, five thousand forty-six~~
38 ~~dollars;~~

1 (iv) For nonresident graduate students, thirteen thousand ninety-
2 two dollars;

3 (v) For resident law students, five thousand three hundred seventy-
4 six dollars;

5 (vi) For nonresident law students, thirteen thousand seven hundred
6 eighty-two dollars;

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

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

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

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

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

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

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

21 (c) At the community colleges:

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

24 (ii) For nonresident students, five thousand eight hundred eight
25 dollars.

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

1 (5)) (3)(a) Beginning with the 2002-03 academic year and ending
2 with the 2007-08 academic year, the governing boards of the state
3 universities, the regional universities, The Evergreen State College,
4 and the state board for community and technical colleges may reduce or
5 increase full-time tuition fees for all students other than resident
6 undergraduates. Percentage increases in full-time tuition fees may
7 exceed the fiscal growth factor under chapter 43.135 RCW. Tuition fees
8 for resident graduate and professional degree students shall not
9 increase by more than ten percent a year. Tuition fees for resident
10 law students for the 2002-03 academic year shall not increase by more
11 than twenty-two percent and in subsequent academic years ending in
12 2007-08, shall not increase by more than ten percent a year. Tuition
13 fees for resident, graduate business degree students for the 2002-03
14 academic year shall not increase by more than thirty percent and in
15 subsequent academic years ending in 2007-08, shall not increase by more
16 than ten percent a year. Reductions or increases may be made for all
17 or portions of an institution's programs, campuses, courses, or
18 students. The governing boards and the state board may adjust full-
19 time tuition fees for factors that include time of day and day of week,
20 delivery method, and campus to encourage full use of the state's
21 educational facilities and resources.

22 (b) Pursuant to RCW 43.135.055, state colleges and universities
23 receiving general fund appropriations as part of the omnibus
24 appropriations act may increase summer term tuition in excess of the
25 fiscal growth factor. Tuition levels increased under this subsection
26 shall not exceed the per credit hour rate calculated from the academic
27 year tuition levels for all students, including resident
28 undergraduates.

29 (c) An amount equal to at least three and one-half percent of
30 revenue received as a result of the difference in percentage rate of
31 increase in resident graduate, law, and first professional tuition fees
32 over the percentage rate of increase in resident undergraduate tuition
33 fees must be used by the state universities, the regional universities,
34 and The Evergreen State College to assist those resident graduate, law,
35 and first professional degree students with demonstrated financial need
36 and family income below the median for Washington state, to the extent
37 that funds are available under this subsection. This requirement is in
38 addition to the deposit requirements of the institutional financial aid

1 fund under RCW 28B.15.820, but does not create an entitlement to
2 financial aid.

3 (4) Academic year tuition for full-time students at the state's
4 institutions of higher education beginning with the 2008-09 academic
5 year, other than summer term, shall be as charged during the 2007-08
6 academic year unless different rates are adopted in the omnibus
7 appropriations act.

8 (5) The tuition fees established under this chapter shall not apply
9 to high school students enrolling in participating institutions of
10 higher education under RCW 28A.600.300 through ((28A.600.395))
11 28A.600.400.

12 **Sec. 3.** RCW 28B.15.069 and 1997 c 403 s 2 are each amended to read
13 as follows:

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

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

18 ~~(b) Nonresident undergraduate students and all other nonresident~~
19 ~~students not in first professional graduate or law programs;~~

20 ~~(c) Resident graduate students;~~

21 ~~(d) Resident law students;~~

22 ~~(e) Nonresident graduate students;~~

23 ~~(f) Nonresident law students;~~

24 ~~(g) Resident first professional students; and~~

25 ~~(h) Nonresident first professional students.~~

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

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

36 ~~((4))~~ (2) The governing boards of each institution of higher
37 education, except for the technical colleges, shall charge to and
38 collect from each student a services and activities fee. A governing

1 board may increase the existing fee annually, consistent with budgeting
2 procedures set forth in RCW 28B.15.045, by a percentage not to exceed
3 the annual percentage increase in student tuition fees for (~~the~~
4 ~~applicable—tuition—category~~) resident undergraduate students:
5 PROVIDED, That such percentage increase shall not apply to that portion
6 of the services and activities fee previously committed to the
7 repayment of bonded debt. These rate adjustments may exceed the fiscal
8 growth factor under chapter 43.135 RCW. For the 2003-04 academic year,
9 the services and activities fee shall be based upon the resident
10 undergraduate services and activities fee in 2002-03. The services and
11 activities fee committee provided for in RCW 28B.15.045 may initiate a
12 request to the governing board for a fee increase.

13 (~~(+5)~~) (3) Tuition and services and activities fees consistent
14 with subsection (~~(+4)~~) (2) of this section shall be set by the state
15 board for community and technical colleges for community college summer
16 school students unless the community college charges fees in accordance
17 with RCW 28B.15.515.

18 (~~(+6)~~) (4) Subject to the limitations of RCW 28B.15.910, each
19 governing board of a community college may charge such fees for
20 ungraded courses, noncredit courses, community services courses, and
21 self-supporting courses as it, in its discretion, may determine,
22 consistent with the rules of the state board for community and
23 technical colleges.

24 **Sec. 4.** RCW 28B.15.910 and 2000 c 152 s 3 are each amended to read
25 as follows:

26 (1) For the purpose of providing state general fund support to
27 public institutions of higher education, except for revenue waived
28 under programs listed in subsections (3) and (4) of this section, and
29 unless otherwise expressly provided in the omnibus state appropriations
30 act, the total amount of operating fees revenue waived, exempted, or
31 reduced by a state university, a regional university, The Evergreen
32 State College, or the community colleges as a whole, shall not exceed
33 the percentage of total gross authorized operating fees revenue in this
34 subsection. As used in this section, "gross authorized operating fees
35 revenue" means the estimated gross operating fees revenue as estimated
36 under RCW 82.33.020 or as revised by the office of financial
37 management, before granting any waivers. This limitation applies to
38 all tuition waiver programs established before or after July 1, 1992.

1	(a) University of Washington	21 percent
2	(b) Washington State University	20 percent
3	(c) Eastern Washington University	11 percent
4	(d) Central Washington University	8 percent
5	(e) Western Washington University	10 percent
6	(f) The Evergreen State College	6 percent
7	(g) Community colleges as a whole	35 percent

8 (2) The limitations in subsection (1) of this section apply to
9 waivers, exemptions, or reductions in operating fees contained in the
10 following:

- 11 (a) RCW 28B.10.265;
- 12 (b) RCW 28B.15.014;
- 13 (c) RCW 28B.15.100;
- 14 (d) RCW 28B.15.225;
- 15 (e) RCW 28B.15.380;
- 16 (f) RCW 28B.15.520;
- 17 (g) RCW 28B.15.526;
- 18 (h) RCW 28B.15.527;
- 19 (i) RCW 28B.15.543;
- 20 (j) RCW 28B.15.545;
- 21 (k) RCW 28B.15.555;
- 22 (l) RCW 28B.15.556;
- 23 (m) RCW 28B.15.615;
- 24 (n) RCW 28B.15.620;
- 25 (o) RCW 28B.15.628;
- 26 (p) RCW 28B.15.730;
- 27 (q) RCW 28B.15.740;
- 28 (r) RCW 28B.15.750;
- 29 (s) RCW 28B.15.756;
- 30 (t) RCW 28B.50.259; and
- 31 (u) RCW 28B.70.050((†
- 32 ~~(v) RCW 28B.80.580; and~~
- 33 ~~(w) During the 1997-99 fiscal biennium, the western interstate~~
34 ~~commission for higher education undergraduate exchange program for~~
35 ~~students attending Eastern Washington University)).~~

36 (3) The limitations in subsection (1) of this section do not apply
37 to waivers, exemptions, or reductions in services and activities fees
38 contained in the following:

- 39 (a) RCW 28B.15.522;

1 (b) RCW 28B.15.540; and

2 (c) RCW 28B.15.558.

3 (4) The total amount of operating fees revenue waived, exempted, or
4 reduced by institutions of higher education participating in the
5 western interstate commission for higher education western
6 undergraduate exchange program under RCW 28B.15.544 shall not exceed
7 the percentage of total gross authorized operating fees revenue in this
8 subsection.

9 (a) Washington State University 1 percent

10 (b) Eastern Washington University 3 percent

11 (c) Central Washington University 3 percent

12 (5) The general fund state appropriation shall not be reduced by
13 the amount of operating fees revenue collected as a result of waiving
14 less operating fees revenue than the amounts authorized under this
15 section. State general fund appropriations shall not be provided for
16 revenue forgone as a result of or for waivers granted under RCW
17 28B.15.915.

18 **Sec. 5.** RCW 28B.15.100 and 1999 c 321 s 2 are each amended to read
19 as follows:

20 (1) The governing boards of the state universities, the regional
21 universities, The Evergreen State College, and the community colleges
22 shall charge to and collect from each of the students registering at
23 the particular institution for any quarter or semester such tuition
24 fees and services and activities fees, and other fees as such board
25 shall in its discretion determine. The total of all fees shall be
26 rounded to the nearest whole dollar amount: PROVIDED, That such
27 tuition fees (~~for other than the summer term~~) shall be (~~in the~~
28 ~~amounts for the respective institutions as otherwise set forth in~~)
29 established in accordance with RCW 28B.15.067.

30 (2) Part-time students shall be charged tuition and services and
31 activities fees proportionate to full-time student rates established
32 for residents and nonresidents: PROVIDED, That except for students
33 registered at community colleges, students registered for fewer than
34 two credit hours shall be charged tuition and services and activities
35 fees at the rate established for two credit hours: PROVIDED FURTHER,
36 That, subject to the limitations of RCW 28B.15.910, residents of Idaho
37 or Oregon who are enrolled in community college district number twenty
38 for six or fewer credits during any quarter or semester may be exempted

1 from payment of all or a portion of the nonresident tuition fees
2 differential upon a declaration by the higher education coordinating
3 board that it finds Washington residents from the community college
4 district are afforded substantially equivalent treatment by such other
5 states.

6 (3) Full-time students registered for more than eighteen credit
7 hours shall be charged an additional operating fee for each credit hour
8 in excess of eighteen hours at the applicable established per credit
9 hour tuition fee rate for part-time students: PROVIDED, That, subject
10 to the limitations of RCW 28B.15.910, the governing boards of the state
11 universities and the community colleges may exempt all or a portion of
12 the additional charge, for students who are registered exclusively in
13 first professional programs in medicine, dental medicine, veterinary
14 medicine, doctor of pharmacy, or law, or who are registered exclusively
15 in required courses in vocational preparatory programs.

16 NEW SECTION. **Sec. 6.** RCW 28B.15.066 (General fund appropriations
17 to institutions of higher education) and 2000 c 152 s 2, 1999 c 309 s
18 932, 1995 1st sp.s. c 9 s 3, & 1993 c 379 s 205 are each repealed.

--- END ---