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HOUSE BILL 1174

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State of Washington

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By Representatives McCoy, Campbell, Morrell, Chase, Condotta, Hunt, Appleton, Hudgins, Armstrong, Hinkle, Conway, Lantz, Ormsby, Haigh and Upthegrove

Read first time 01/18/2005. Referred to Committee on Higher Education.

1 AN ACT Relating to tuition waivers at institutions of higher  
2 education; amending RCW 28B.15.380 and 28B.15.910; adding new sections  
3 to chapter 28B.15 RCW; and repealing RCW 28B.10.265, 28B.15.620,  
4 28B.15.625, 28B.15.628, and 28B.15.629.

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

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

8 (1) The legislature finds that active military and naval veterans,  
9 reserve military and naval veterans, and national guard members called  
10 to active duty have served their country and have risked their lives to  
11 defend the lives of all Americans and the freedoms that define and  
12 distinguish our nation. The legislature intends to honor active  
13 military and naval veterans, reserve military and naval veterans, and  
14 national guard members who have served on active military or naval duty  
15 for the public service they have provided to this country.

16 (2) Subject to the limitations in RCW 28B.15.910, the governing  
17 boards of the state universities, the regional universities, The  
18 Evergreen State College, and the community colleges, may waive all or  
19 a portion of tuition and fees for the following persons:

1 (a) An eligible veteran or national guard member;

2 (b) A child and the spouse of an eligible veteran or national guard  
3 member who became totally disabled as defined in RCW 28B.15.385 while  
4 engaged in active federal military or naval service, or who is  
5 determined by the federal government to be a prisoner of war or missing  
6 in action;

7 (c) A child and the surviving spouse of an eligible veteran or  
8 national guard member who lost his or her life while engaged in active  
9 federal military or naval service. However, upon remarriage, the  
10 surviving spouse of an eligible veteran or national guard member is  
11 ineligible for a waiver under this section.

12 (3) Subject to the limitations in RCW 28B.15.910, the governing  
13 boards of the state universities, the regional universities, The  
14 Evergreen State College, and the community colleges, may waive all or  
15 a portion of tuition and fees increases that have occurred during the  
16 academic years in which an eligible veteran or national guard member  
17 was engaged in active federal military or naval service on foreign soil  
18 or in another location in support of federal military or naval action  
19 on foreign soil, if the eligible veteran or national guard member could  
20 have qualified as a resident student under RCW 28B.15.012(2) had he or  
21 she been enrolled as a student.

22 (4) The governing boards of the state universities, the regional  
23 universities, The Evergreen State College, and the community colleges,  
24 may waive all or a portion of tuition and fees for a military or naval  
25 veteran who is a Washington domiciliary, but who did not serve on  
26 foreign soil or in international waters or in another location in  
27 support of those serving on foreign soil or in international waters and  
28 who does not qualify as an eligible veteran or national guard member  
29 under subsection (5) of this section. However, there shall be no state  
30 general fund support for waivers granted under this subsection.

31 (5) Private vocational schools and private higher education  
32 institutions are encouraged to provide waivers consistent with the  
33 terms in subsections (2) through (4) of this section.

34 (6) As used in this section "eligible veteran or national guard  
35 member" means a Washington domiciliary who was an active or reserve  
36 member of the United States military or naval forces, or a national  
37 guard member called to active duty, and who served in active federal  
38 service in a war or conflict fought on foreign soil or in international

1 waters or in another location in support of those serving on foreign  
2 soil or in international waters as a member of the armed military or  
3 naval forces of the United States.

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

6 Institutions of higher education, as defined in RCW 28B.10.016,  
7 shall provide an enrolled student who is called to active federal  
8 service in United States military action initiated by an executive  
9 order issued by the President of the United States, and who is unable  
10 to complete the academic term in which the student is enrolled, with  
11 the option of receiving a refund of the total tuition and fees paid by  
12 the eligible student for the applicable academic term, or of being  
13 readmitted for a comparable academic term under the following  
14 conditions:

15 (1) The eligible student shall be exempt from the payment of  
16 additional tuition and fees;

17 (2) No new course sections shall be created as a direct result of  
18 students receiving the waivers; and

19 (3) Enrollment information on students receiving the waivers shall  
20 be maintained separately from other enrollment information and shall  
21 not be considered in any enrollment statistics that would affect  
22 budgetary determinations.

23 **Sec. 3.** RCW 28B.15.380 and 1993 sp.s. c 18 s 10 are each amended  
24 to read as follows:

25 Subject to the limitations of RCW 28B.15.910, the governing boards  
26 of the state universities, the regional universities, and The Evergreen  
27 State College may exempt the following students from the payment of all  
28 or a portion of tuition fees and services and activities fees:

29 ~~((1) All veterans as defined in RCW 41.04.005: PROVIDED, That~~  
30 ~~such persons are no longer entitled to federal vocational or~~  
31 ~~educational benefits conferred by virtue of their military service:~~  
32 ~~AND PROVIDED FURTHER, That if any such veterans have not resided in~~  
33 ~~this state for one year prior to registration, the board may exempt the~~  
34 ~~student from paying up to fifty percent of the nonresident tuition fees~~  
35 ~~differential. Such exemptions may be provided only to those persons~~

1 otherwise covered who were enrolled in universities on or before  
2 October 1, 1977.

3 (~~2~~) Children of any law enforcement officer or fire fighter who  
4 lost his or her life or became totally disabled in the line of duty  
5 while employed by any public law enforcement agency or full time or  
6 volunteer fire department in this state: PROVIDED, That such persons  
7 may receive the exemption only if they begin their course of study at  
8 a state-supported college or university within ten years of their  
9 graduation from high school.

10 **Sec. 4.** RCW 28B.15.910 and 2004 c 275 s 51 are each amended to  
11 read as follows:

12 (1) For the purpose of providing state general fund support to  
13 public institutions of higher education, except for revenue waived  
14 under programs listed in subsections (3) and (4) of this section, and  
15 unless otherwise expressly provided in the omnibus state appropriations  
16 act, the total amount of operating fees revenue waived, exempted, or  
17 reduced by a state university, a regional university, The Evergreen  
18 State College, or the community colleges as a whole, shall not exceed  
19 the percentage of total gross authorized operating fees revenue in this  
20 subsection. As used in this section, "gross authorized operating fees  
21 revenue" means the estimated gross operating fees revenue as estimated  
22 under RCW 82.33.020 or as revised by the office of financial  
23 management, before granting any waivers. This limitation applies to  
24 all tuition waiver programs established before or after July 1, 1992.

- 25 (a) University of Washington 21 percent
- 26 (b) Washington State University 20 percent
- 27 (c) Eastern Washington University 11 percent
- 28 (d) Central Washington University 8 percent
- 29 (e) Western Washington University 10 percent
- 30 (f) The Evergreen State College 6 percent
- 31 (g) Community colleges as a whole 35 percent

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

- 35 (a) (~~RCW 28B.10.265;~~
- 36 ~~(b)~~) RCW 28B.15.014;
- 37 (~~(c)~~) (b) RCW 28B.15.100;

1        ~~((d))~~ (c) RCW 28B.15.225;  
2        ~~((e))~~ (d) RCW 28B.15.380;  
3        ~~((f))~~ (e) RCW 28B.15.520;  
4        ~~((g))~~ (f) RCW 28B.15.526;  
5        ~~((h))~~ (g) RCW 28B.15.527;  
6        ~~((i))~~ (h) RCW 28B.15.543;  
7        ~~((j))~~ (i) RCW 28B.15.545;  
8        ~~((k))~~ (j) RCW 28B.15.555;  
9        ~~((l))~~ (k) RCW 28B.15.556;  
10       ~~((m))~~ (l) RCW 28B.15.615;  
11       ~~((n) RCW 28B.15.620;~~  
12       ~~(o) RCW 28B.15.628;~~  
13       ~~(p))~~ (m) RCW 28B.15.730;  
14       ~~((q))~~ (n) RCW 28B.15.740;  
15       ~~((r))~~ (o) RCW 28B.15.750;  
16       ~~((s))~~ (p) RCW 28B.15.756;  
17       ~~((t))~~ (q) RCW 28B.50.259;  
18       ~~((u))~~ (r) RCW 28B.70.050; and  
19       ~~((v) During the 1997-99 fiscal biennium, the western interstate~~  
20       ~~commission for higher education undergraduate exchange program for~~  
21       ~~students attending Eastern Washington University))~~ (s) Section 1 (2)  
22       and (3) of this act.

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

- 26        (a) RCW 28B.15.522;
- 27        (b) RCW 28B.15.540; and
- 28        (c) RCW 28B.15.558.

29        (4) The total amount of operating fees revenue waived, exempted, or  
30        reduced by institutions of higher education participating in the  
31        western interstate commission for higher education western  
32        undergraduate exchange program under RCW 28B.15.544 shall not exceed  
33        the percentage of total gross authorized operating fees revenue in this  
34        subsection.

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| 35        (a) Washington State University   | 1 percent |
| 36        (b) Eastern Washington University | 3 percent |
| 37        (c) Central Washington University | 3 percent |

1        NEW SECTION.    **Sec. 5.**    The following acts or parts of acts are each  
2 repealed:

3        (1) RCW 28B.10.265 (Waiver from fees--Children of certain citizens  
4 missing in action or prisoners of war) and 1993 sp.s. c 18 s 1, 1992 c  
5 231 s 2, 1985 c 390 s 1, 1973 c 63 s 2, & 1972 ex.s. c 17 s 2;

6        (2) RCW 28B.15.620 (Exemption from tuition and fees increase at  
7 institutions of higher education--Vietnam veterans) and 1999 c 82 s 1,  
8 1995 c 349 s 1, 1994 c 208 s 1, 1993 sp.s. c 18 s 24, 1992 c 231 s 22,  
9 1989 c 306 s 4, 1983 c 307 s 1, 1979 ex.s. c 83 s 1, 1977 ex.s. c 322  
10 s 9, 1972 ex.s. c 149 s 3, & 1971 ex.s. c 279 s 22;

11        (3) RCW 28B.15.625 (Rights of Washington national guard and other  
12 military reserve students called to active service) and 2004 c 161 s 4  
13 & 1991 c 164 s 10;

14        (4) RCW 28B.15.628 (Waiver of tuition and fees increases at  
15 institutions of higher education--Persian Gulf veterans) and 1999 c 82  
16 s 2, 1996 c 169 s 1, 1994 c 208 s 2, 1993 sp.s. c 18 s 25, 1992 c 231  
17 s 23, & 1991 c 228 s 14; and

18        (5) RCW 28B.15.629 (Tuition waivers at technical colleges--Vietnam  
19 veterans--Persian Gulf veterans) and 1999 c 82 s 3.

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