
HOUSE BILL 2613

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Gregerson, Zeiger, Sequist, Haler, Morrell, Pollet, and Jinkins

Read first time 01/22/14. Referred to Committee on Higher Education.

1 AN ACT Relating to creating efficiencies for institutions of higher
2 education; and amending RCW 28B.15.102, 42.16.010, 44.28.816,
3 43.88.110, and 28B.15.101.

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

5 **Sec. 1.** RCW 28B.15.102 and 2013 c 23 s 53 are each amended to read
6 as follows:

7 (1) Beginning with the 2011-12 academic year, any four-year
8 institution of higher education that increases tuition beyond levels
9 assumed in the omnibus appropriations act is subject to the financial
10 aid requirements included in this section and shall remain subject to
11 these requirements through the 2018-19 academic year.

12 (2) Beginning July 1, 2011, each four-year institution of higher
13 education that raises tuition beyond levels assumed in the omnibus
14 appropriations act shall, in a manner consistent with the goal of
15 enhancing the quality of and access to their institutions, provide
16 financial aid to offset full-time tuition fees for resident
17 undergraduate students as follows:

18 (a) Subtract from the full-time tuition fees an amount that is
19 equal to the maximum amount of a state need grant award that would be

1 given to an eligible student with a family income at or below fifty
2 percent of the state's median family income as determined by the
3 student achievement council; and

4 (b) Offset the remainder as follows:

5 (i) Students with demonstrated need whose family incomes are at or
6 below fifty percent of the state's median family income shall receive
7 financial aid equal to one hundred percent of the remainder if an
8 institution's full-time tuition fees for resident undergraduate
9 students is five percent or greater of the state's median family income
10 for a family of four as provided by the student achievement council;

11 (ii) Students with demonstrated need whose family incomes are
12 greater than fifty percent and no more than seventy percent of the
13 state's median family income shall receive financial aid equal to
14 seventy-five percent of the remainder if an institution's full-time
15 tuition fees for resident undergraduate students is ten percent or
16 greater of the state's median family income for a family of four as
17 provided by the student achievement council;

18 (iii) Students with demonstrated need whose family incomes exceed
19 seventy percent and are less than one hundred percent of the state's
20 median family income shall receive financial aid equal to fifty percent
21 of the remainder if an institution's full-time tuition fees for
22 resident undergraduate students is fifteen percent or greater of the
23 state's median family income for a family of four as provided by the
24 student achievement council; and

25 (iv) Students with demonstrated need whose family incomes are at or
26 exceed one hundred percent and are no more than one hundred twenty-five
27 percent of the state's median family income shall receive financial aid
28 equal to twenty-five percent of the remainder if an institution's
29 full-time tuition fees for resident undergraduate students is twenty
30 percent or greater of the state's median family income for a family of
31 four as provided by the student achievement council.

32 (3) The financial aid required in subsection (2) of this section
33 shall:

34 (a) Be reduced by the amount of other financial aid awards, not
35 including the state need grant;

36 (b) Be prorated based on credit load; and

37 (c) Only be provided to students up to demonstrated need.

38 (4) Financial aid sources and methods may be:

1 (a) Tuition revenue or locally held funds;

2 (b) Tuition waivers created by a four-year institution of higher
3 education for the specific purpose of serving low and middle-income
4 students; or

5 (c) Local financial aid programs.

6 (5) Use of tuition waivers as specified in subsection (4)(b) of
7 this section shall not be included in determining total state tuition
8 waiver authority as defined in RCW 28B.15.910.

9 (6) By (~~August 15, 2012, and August 15th~~) December 31st every
10 year (~~thereafter~~), four-year institutions of higher education that
11 increase tuition beyond levels assumed in the omnibus appropriations
12 act after January 1, 2011, shall report to the governor and relevant
13 committees of the legislature on the effectiveness of the various
14 sources and methods of financial aid in mitigating tuition increases.
15 A key purpose of these reports is to provide information regarding the
16 results of the decision to grant tuition-setting authority to the four-
17 year institutions of higher education and whether tuition setting
18 authority should continue to be granted to the institutions or revert
19 back to the legislature after consideration of the impacts on students,
20 including educational access, affordability, and quality. These
21 reports shall include:

22 (a) The amount of (~~additional~~) financial aid provided to middle-
23 income and low-income resident students with demonstrated need in the
24 aggregate and per student;

25 (b) An itemization of the sources and methods of financial aid
26 provided by the four-year institution of higher education in the
27 aggregate and per student for resident undergraduate students;

28 (c) An analysis of the combined impact of federal tuition tax
29 credits and financial aid provided by the institution of higher
30 education on the net cost to students and their families resulting from
31 tuition increases;

32 (d) In cases where tuition increases are greater than those assumed
33 in the omnibus appropriations act at any four-year institution of
34 higher education, the institution must include an explanation in its
35 report of why this increase was necessary and how the institution will
36 mitigate the effects of the increase. The institution must include in
37 this section of its report a plan and specific timelines; and

1 (e) An analysis of changes in resident student enrollment patterns,
2 participation rates, graduation rates, and debt load, by race and
3 ethnicity, gender, state and county of origin, age, and socioeconomic
4 status, and a plan to mitigate effects of reduced diversity due to
5 tuition increases. This analysis shall include disaggregated data for
6 resident students in the following income brackets:

7 (i) Up to seventy percent of the median family income;

8 (ii) Between seventy-one percent and one hundred twenty-five
9 percent of the median family income; and

10 (iii) Above one hundred twenty-five percent of the median family
11 income.

12 (7) Beginning in the 2012-13 academic year, the University of
13 Washington shall enroll during each academic year at least the same
14 number of resident first-year undergraduate students at the Seattle
15 campus, as defined in RCW 28B.15.012, as enrolled during the 2009-10
16 academic year. This requirement shall not apply to nonresident
17 undergraduate and graduate and professional students.

18 **Sec. 2.** RCW 42.16.010 and 2011 1st sp.s. c 43 s 446 are each
19 amended to read as follows:

20 (1) Except as provided otherwise in subsections (2) and (3) of this
21 section, all state officers and employees shall be paid for services
22 rendered from the first day of the month through the fifteenth day of
23 the month and for services rendered from the sixteenth day of the month
24 through the last calendar day of the month. Paydates for these two pay
25 periods shall be established by the director of financial management
26 through the administrative hearing process and the official paydates
27 shall be established six months prior to the beginning of each
28 subsequent calendar year. Under no circumstance shall the paydate be
29 established more than ten days after the pay period in which the wages
30 are earned except when the designated paydate falls on Sunday, in which
31 case the paydate shall not be later than the following Monday. Payment
32 shall be deemed to have been made by the established paydates if: (a)
33 The salary warrant is available at the geographic work location at
34 which the warrant is normally available to the employee; or (b) the
35 salary has been electronically transferred into the employee's account
36 at the employee's designated financial institution; or (c) the salary
37 warrants are mailed at least two days before the established paydate

1 for those employees engaged in work in remote or varying locations from
2 the geographic location at which the payroll is prepared, provided that
3 the employee has requested payment by mail.

4 The office of financial management shall develop the necessary
5 policies and operating procedures to assure that all remuneration for
6 services rendered including basic salary, shift differential, standby
7 pay, overtime, penalty pay, salary due based on contractual agreements,
8 and special pay provisions, as provided for by law, agency policy or
9 rule, or contract, shall be available to the employee on the designated
10 paydate. Overtime, penalty pay, and special pay provisions may be paid
11 by the next following paydate if the postponement of payment is
12 attributable to: The employee's not making a timely or accurate report
13 of the facts which are the basis for the payment, or the employer's
14 lack of reasonable opportunity to verify the claim.

15 Compensable benefits payable because of separation from state
16 service shall be paid with the earnings for the final period worked
17 unless the employee separating has not provided the agency with the
18 proper notification of intent to terminate.

19 One-half of the employee's basic monthly salary shall be paid in
20 each pay period. Employees paid on an hourly basis or employees who
21 work less than a full pay period shall be paid for actual salary
22 earned.

23 (2) Subsection (1) of this section shall not apply in instances
24 where it would conflict with contractual rights or, with the approval
25 of the office of financial management, to short-term, intermittent,
26 noncareer state employees, to student employees of institutions of
27 higher education, to national or state guard members participating in
28 state active duty, and to liquor control agency managers who are paid
29 a percentage of monthly liquor sales.

30 (3) When a national or state guard member is called to participate
31 in state active duty, the paydate shall be no more than seven days
32 following completion of duty or the end of the pay period, whichever is
33 first. When the seventh day falls on Sunday, the paydate shall not be
34 later than the following Monday. This subsection shall apply only to
35 the pay a national or state guard member receives from the military
36 department for state active duty.

37 (4) Notwithstanding subsections (1) and (2) of this section, a
38 bargained contract at an institution of higher education may include a

1 provision for paying part-time academic employees on a pay schedule
2 that coincides with all the paydays used for full-time academic
3 employees.

4 (5)(a) Notwithstanding subsections (1), (2), and (4) of this
5 section, an institution of higher education as defined in RCW
6 28B.10.016 may pay its employees for services rendered biweekly, in pay
7 periods consisting of two consecutive seven calendar-day weeks. The
8 paydate for each pay period shall be seven calendar days after the end
9 of the pay period. Under no circumstance may the paydate be
10 established more than seven days after the pay period in which the
11 wages are earned except that when the designated paydate falls on a
12 holiday, the paydate shall not be later than the following Monday.

13 (b) Employees on a biweekly payroll cycle under this subsection (5)
14 who are paid a salary shall receive a prorated amount of their
15 annualized salary each pay period. The prorated amount must be
16 proportional to the number of pay periods in the calendar year.
17 Employees on a biweekly payroll cycle under this subsection (5) who are
18 paid hourly, or who work less than a full pay period shall be paid the
19 actual salary amount earned during the pay period.

20 (c) Each institution that adopts a biweekly pay schedule under this
21 subsection (5) must establish, publish, and notify the director of the
22 office of financial management of the official paydates six months
23 before the beginning of each subsequent calendar year.

24 (6) Notwithstanding subsections (1), (2), and (4) of this section,
25 academic employees at institutions of higher education as defined in
26 RCW 28B.10.016 whose employment appointments are less than twelve
27 months may have their salaries prorated in such a way that coincides
28 with the paydays used for full-time employees.

29 **Sec. 3.** RCW 44.28.816 and 2011 1st sp.s. c 10 s 31 are each
30 amended to read as follows:

31 (1) During calendar year 2018, the joint committee shall complete
32 a systemic performance audit of the tuition-setting authority in RCW
33 28B.15.067 granted to the governing boards of the state universities,
34 regional universities, and The Evergreen State College. The audit must
35 include a separate analysis of both the authority granted in RCW
36 28B.15.067(3) and the authority in RCW 28B.15.067(4). The purpose of

1 the audit is to evaluate the impact of institutional tuition-setting
2 authority on student access, affordability, and institutional quality.

3 Institutional quality shall be measured based on the following:

4 (a) Student completion;

5 (b) Student retention; and

6 (c) Selected indicators from accreditation reports related to:

7 (i) Employability of graduates as determined by internship,
8 fieldwork, practicum, and clinical placement opportunities; career
9 services surveys; postcompletion employment placement rates; employer
10 surveys; and other related measures;

11 (ii) Community engagement of students, faculty, and staff as
12 measured by service-learning and community service opportunities;
13 international exchanges of faculty and students; volunteer work; and
14 other related measures;

15 (iii) Analytical skill development of students as measured by
16 opportunities to develop skills in critical thinking, applying concepts
17 and theories to new problems, and synthesizing and evaluating
18 information, arguments, and methods; evidence of collaborative and
19 responsible participation of students; evidence of effective
20 communication through speaking, writing, and presenting; and other
21 related measures;

22 (iv) Student performance based on measures of student learning;

23 (v) Program quality as measured by professional development
24 opportunities; faculty surveys; student surveys; alumni surveys; number
25 and percentage of student, faculty, and student-faculty research
26 activities; research and program awards; start-up company development;
27 percent of programs using assessments of student learning evidence to
28 make changes; satisfaction with technology; and other related measures;
29 and

30 (vi) Student support services as measured by surveys of student
31 advising and counseling; advising and counseling opportunities; and
32 other related measures.

33 (2) The audit must include an evaluation of the following outcomes
34 for each four-year institution of higher education:

35 (a) Changes in undergraduate enrollment, retention, and graduation
36 by race and ethnicity, gender, state and county of origin, age, and
37 socioeconomic status;

1 (b) The impact on student transferability, particularly from
2 Washington community and technical colleges;

3 (c) Changes in time and credits to degree;

4 (d) Changes in the number and availability of online programs and
5 undergraduate enrollments in the programs;

6 (e) Changes in enrollments in the running start and other dual
7 enrollment programs;

8 (f) Impacts on funding levels for state student financial aid
9 programs;

10 (g) Any changes in the percent of students who apply for student
11 financial aid using the free application for federal student aid
12 (FAFSA);

13 (h) Any changes in the percent of students who apply for available
14 tax credits;

15 (i) Information on the use of building fee revenue by fiscal or
16 academic year; and

17 (j) Undergraduate tuition and fee rates compared to undergraduate
18 tuition and fee rates at similar institutions in the global challenge
19 states.

20 (3) The audit must include recommendations on whether to continue
21 tuition-setting authority beyond the 2018-19 academic year.

22 (4) In conducting the audit, the auditor shall solicit input from
23 key higher education stakeholders, including but not limited to
24 students and their families, faculty, and staff. To the maximum extent
25 possible, data for the University of Washington and Washington State
26 University shall be disaggregated by branch campus.

27 (5) The auditor shall report findings and recommendations to the
28 appropriate committees of the legislature by December 15, 2018.

29 (6) This section expires December 31, 2018.

30 **Sec. 4.** RCW 43.88.110 and 2009 c 518 s 3 are each amended to read
31 as follows:

32 This section sets forth the expenditure programs and the allotment
33 and reserve procedures to be followed by the executive branch for
34 public funds.

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

1 (2) The director of financial management shall provide all agencies
2 with a complete set of operating and capital instructions for preparing
3 a statement of proposed expenditures at least thirty days before the
4 beginning of a fiscal period. The set of instructions need not include
5 specific appropriation amounts for the agency.

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

11 (4) The office of financial management shall develop a method for
12 monitoring capital appropriations and expenditures that will capture at
13 least the following elements:

14 (a) Appropriations made for capital projects including
15 transportation projects;

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

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

19 (d) Comparisons of estimated construction start and completion
20 dates with actual dates;

21 (e) Documentation of fund shifts between projects.

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

25 (5) The office of financial management, prior to approving
26 allotments for major capital construction projects valued over five
27 million dollars, with the exception of projects at institutions of
28 higher education as defined in RCW 28B.10.016, which may be valued up
29 to ten million dollars, shall institute procedures for reviewing such
30 projects at the predesign stage that will reduce long-term costs and
31 increase facility efficiency. The procedures shall include, but not be
32 limited to, the following elements:

33 (a) Evaluation of facility program requirements and consistency
34 with long-range plans;

35 (b) Utilization of a system of cost, quality, and performance
36 standards to compare major capital construction projects; and

37 (c) A requirement to incorporate value-engineering analysis and
38 constructability review into the project schedule.

1 (6) No expenditure may be incurred or obligation entered into for
2 such major capital construction projects including, without exception,
3 land acquisition, site development, predesign, design, construction,
4 and equipment acquisition and installation, until the allotment of the
5 funds to be expended has been approved by the office of financial
6 management. This limitation does not prohibit the continuation of
7 expenditures and obligations into the succeeding biennium for projects
8 for which allotments have been approved in the immediate prior
9 biennium.

10 (7) If at any time during the fiscal period the governor projects
11 a cash deficit in a particular fund or account as defined by RCW
12 43.88.050, the governor shall make across-the-board reductions in
13 allotments for that particular fund or account so as to prevent a cash
14 deficit, unless the legislature has directed the liquidation of the
15 cash deficit over one or more fiscal periods. Except for the
16 legislative and judicial branches and other agencies headed by elective
17 officials, the governor shall review the statement of proposed
18 operating expenditures for reasonableness and conformance with
19 legislative intent. The governor may request corrections of proposed
20 allotments submitted by the legislative and judicial branches and
21 agencies headed by elective officials if those proposed allotments
22 contain significant technical errors. Once the governor approves the
23 proposed allotments, further revisions may at the request of the office
24 of financial management or upon the agency's initiative be made on a
25 quarterly basis and must be accompanied by an explanation of the
26 reasons for significant changes. However, changes in appropriation
27 level authorized by the legislature, changes required by across-the-
28 board reductions mandated by the governor, changes caused by executive
29 increases to spending authority, and changes caused by executive
30 decreases to spending authority for failure to comply with the
31 provisions of chapter 36.70A RCW may require additional revisions.
32 Revisions shall not be made retroactively. However, the governor may
33 assign to a reserve status any portion of an agency appropriation
34 withheld as part of across-the-board reductions made by the governor
35 and any portion of an agency appropriation conditioned on a contingent
36 event by the appropriations act. The governor may remove these amounts
37 from reserve status if the across-the-board reductions are subsequently
38 modified or if the contingent event occurs. The director of financial

1 management shall enter approved statements of proposed expenditures
2 into the state budgeting, accounting, and reporting system within
3 forty-five days after receipt of the proposed statements from the
4 agencies. If an agency or the director of financial management is
5 unable to meet these requirements, the director of financial management
6 shall provide a timely explanation in writing to the legislative fiscal
7 committees.

8 (8) It is expressly provided that all agencies shall be required to
9 maintain accounting records and to report thereon in the manner
10 prescribed in this chapter and under the regulations issued pursuant to
11 this chapter. Within ninety days of the end of the fiscal year, all
12 agencies shall submit to the director of financial management their
13 final adjustments to close their books for the fiscal year. Prior to
14 submitting fiscal data, written or oral, to committees of the
15 legislature, it is the responsibility of the agency submitting the data
16 to reconcile it with the budget and accounting data reported by the
17 agency to the director of financial management.

18 (9) The director of financial management may exempt certain public
19 funds from the allotment controls established under this chapter if it
20 is not practical or necessary to allot the funds. Allotment control
21 exemptions expire at the end of the fiscal biennium for which they are
22 granted. The director of financial management shall report any
23 exemptions granted under this subsection to the legislative fiscal
24 committees.

25 **Sec. 5.** RCW 28B.15.101 and 2011 1st sp.s. c 10 s 5 are each
26 amended to read as follows:

27 (1) To ensure institutional quality, promote access, and advance
28 the public mission of the state universities, the regional
29 universities, and The Evergreen State College, the authority to
30 increase or decrease tuition rates shall be considered within the
31 context of performance-based measures and goals for each state
32 university, regional university, and The Evergreen State College. By
33 September 1, 2011, and September 1st every two years thereafter, the
34 state universities, the regional universities, and The Evergreen State
35 College shall each negotiate an institutional performance plan with the
36 office of financial management that includes expected outcomes (~~that~~

1 ~~must be achieved by each institution in the subsequent biennium))~~ and
2 negotiated targets for the purpose of determining performance incentive
3 funding.

4 (2) At a minimum, an individual institutional performance plan must
5 include but is not limited to the following expected outcomes:

6 (a) Time and credits to degree;

7 (b) Retention and success of students from low-income, diverse, or
8 underrepresented communities;

9 (c) Baccalaureate degree production for resident students; and

10 (d) Degree production in high-employer demand programs of study and
11 critical state need areas.

--- END ---