

~~(2) By executive order of the governor, when the legislature is not in session, pursuant to an appropriation to the governor's office for that purpose, setting forth conditions and limitations on the transfer and use of the moneys. The governor's executive order shall contain a statement of the conditions requiring the transfer to the general fund and the limitations on the expenditure of the funds within the terms of the appropriation: PROVIDED, That no moneys shall be transferred and used unless approved by the legislative budget committee);~~

(b) To provide the governor with reserve expenditure authority for the purpose specified in subsection (1)(a) of this section;

(c) For labor force training; and

(d) For any other purpose which the legislature finds would reduce unemployment caused by the state's economic cycle.

(2) The legislature by appropriation may provide for, or the governor may authorize, the waiver of deposits in any ((biennium)) fiscal quarter to the stabilization account in the event of ((a transfer)) an expenditure from the account ((to the general fund)) during such ((biennium)) quarter.

Passed the House April 4, 1982.

Passed the Senate April 2, 1982.

Approved by the Governor April 20, 1982.

Filed in Office of Secretary of State April 20, 1982.

CHAPTER 37

[Second Substitute House Bill No. 784]

INSTITUTIONS OF HIGHER EDUCATION—TUITION AND FEES— APPROPRIATION

AN ACT Relating to institutions of higher education; amending section 2, chapter 273, Laws of 1971 ex. sess. as amended by section 1, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.012; amending section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 15, Laws of 1979 ex. sess. and RCW 28B.15.013; amending section 4, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.014; amending section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.215; amending section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.220; amending section 1, chapter 262, Laws of 1979 ex. sess. as amended by section 1, chapter 62, Laws of 1980 and RCW 28B.15.740; amending section 8, chapter 257, Laws of 1981 and RCW 28B.15.502; amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 257, Laws of 1981 and RCW 28B.15.100; amending section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 257, Laws of 1981 and RCW 28B.15.031; amending section 9, chapter 257, Laws of 1981 and RCW 28B.15.820; amending section 2, chapter 257, Laws of 1981 and RCW 28B.15.067; amending section 7, chapter 322, Laws of 1977 ex. sess. as amended by section 3, chapter 257, Laws of 1981 and RCW 28B.15.070; amending section 4, chapter 257, Laws of 1981 and RCW 28B.15.076; amending section 6, chapter 257, Laws of 1981 and RCW 28B.15.202; amending section 7, chapter 257, Laws of 1981 and RCW 28B.15.402; amending section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 1, chapter 148, Laws of 1979 ex. sess. and RCW 28B.15.520; amending section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.005; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.10.200,

chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200; repealing section 28B.10.250, chapter 223, Laws of 1969 ex. sess., section 2, chapter 62, Laws of 1973 and RCW 28B.10.250; repealing section 28B.10.255, chapter 223, Laws of 1969 ex. sess., section 3, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.255; repealing section 28B.10.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.260; repealing section 9, chapter 59, Laws of 1970 ex. sess., section 13, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.523; repealing section 10, chapter 59, Laws of 1970 ex. sess., section 14, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.525; repealing section 11, chapter 279, Laws of 1971 ex. sess., section 39, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.530; repealing section 1, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.550; repealing section 2, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.551; repealing section 3, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.552; repealing section 1, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.553; repealing section 3, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.554; repealing section 1, chapter 19, Laws of 1979 ex. sess. and RCW 28B.15.557; repealing section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.710; repealing section 2, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.742; repealing section 4, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.744; providing for the expiration of the provisions of a section hereof; providing for the disposition of certain moneys; making an appropriation; declaring an emergency; and making certain effective dates.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 273, Laws of 1971 ex. sess. as amended by section 1, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.012 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean (a) a financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which he has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational ((purposes)) or (b) a dependent student, if one or both of his parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes ((only)), and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he has in fact established a bona fide domicile in this state ((for)) primarily for purposes other than educational ((purposes)).

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 and section 4 of this amendatory act, each as now or hereafter amended. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such

nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service and who does not also meet and comply with all the applicable requirements in RCW 28B.15.011 through 28B.15.014 and section 4 of this amendatory act, each as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) ~~The term "((minor)) dependent" shall mean a ((male or female)) person who is ((not deemed and taken to be of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended; the term "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody, and earnings of such minor and whose parents no longer in any way support or maintain such minor)) not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the council for postsecondary education and shall include, but not be limited to, the state and federal income tax returns of the person and/or his parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.~~

~~(6) ((The term "qualified person" shall mean a person qualified to determine his own domicile. A person of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended; or an emancipated minor is so qualified.~~

~~(7) The term "parent-qualified student" shall mean a student having a parent who has a domicile in the state of Washington but who does not have legal custody of the student because of divorce or legal separation.~~

~~(8)) The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.~~

Sec. 2. Section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 15, Laws of 1979 ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a ~~((qualified))~~ person formerly domiciled in another state has occurred if such person is physically present in Washington primarily for purposes other

than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

~~(2) ((Except as provided in subsection (3)(d) of this section, an unemancipated minor shall be classified as a resident student only if such minor's parents or legally appointed guardian or person having legal custody shall have established a domicile in this state.~~

~~(3)) Unless proven to the contrary it shall be presumed that:~~

~~(a) ((The domicile of an unemancipated minor is that of such minor's father; or if no father, that of such minor's mother; or if there is a legally appointed guardian, that of such guardian. PROVIDED, That if one parent has legal custody of the minor, the domicile of such minor shall be that of such parent except as otherwise provided in subsection (3)(d) of this section.~~

~~(b)) The domicile of any ((qualified)) person((, including a married woman,)) shall be determined according to the individual's situation and circumstances rather than by marital status or sex.~~

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

~~((d) The establishment of a domicile in the state of Washington in accordance with the provisions of this section by the parent of a parent-qualified student shall entitle the student to classification as a resident student.~~

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

~~(a) ((Failure to register or to pay state)) Registration or payment of Washington taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required~~

~~((is conclusive))~~ will be a factor in considering evidence of ~~((a failure to establish))~~ the establishment of a Washington domicile.

~~(b) ((Attendance at an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof is conclusive evidence of a failure to establish a Washington domicile.~~

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

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

~~((e) Any person not a citizen of the United States cannot establish a Washington domicile until such person is eligible and has applied for an immigration visa, unless such person is the dependent minor of a parent or legal guardian who is domiciled in Washington.~~

~~(5))~~ (4) After a student has registered at an institution such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect the semester or quarter such evidence was filed with the institution: PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. Any determination of classification shall be considered a ruling on a contested case subject to court review only under procedures prescribed by chapter 28B.19 RCW.

Sec. 3. Section 4, chapter 273, Laws of 1971 ex. sess. and RCW 28B-.15.014 are each amended to read as follows:

~~((Regardless of age or domicile, the following shall be entitled to classification as resident students))~~ The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any ((person who is employed not less than twenty hours per week)) faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution((, and the children and spouses of such persons)) who resides in the state of Washington, and the dependent children and spouse of such persons.

~~((2) Military personnel and federal employees residing or stationed in the state of Washington, and the children and spouses of such military personnel and federal employees:~~

~~(3) All veterans, as defined in RCW 41.04.005, whose final permanent duty station was in the state of Washington so long as such veteran is receiving federal vocational or educational benefits conferred by virtue of his military service)).~~

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The council for postsecondary education, upon consideration of advice from representatives of the state's institutions with the advice of the attorney general, shall adopt rules and regulations to be used by the state's institutions for determining a student's resident and nonresident status and for recovery of fees for improper classification of residency.

NEW SECTION. Sec. 5. The following acts or parts thereof are each hereby repealed:

(1) Section 28B.10.200, chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200;

(2) Section 28B.10.250, chapter 223, Laws of 1969 ex. sess., section 2, chapter 62, Laws of 1973 and RCW 28B.10.250;

(3) Section 28B.10.255, chapter 223, Laws of 1969 ex. sess., section 3, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.255;

(4) Section 28B.10.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.260;

(5) Section 9, chapter 59, Laws of 1970 ex. sess., section 13, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.523;

(6) Section 10, chapter 59, Laws of 1970 ex. sess., section 14, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.525;

(7) Section 11, chapter 279, Laws of 1971 ex. sess., section 39, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.530;

(8) Section 1, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.550;

(9) Section 2, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.551;

(10) Section 3, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.552;

(11) Section 1, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.553;

(12) Section 3, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.554;

(13) Section 1, chapter 19, Laws of 1979 ex. sess. and RCW 28B.15.557;

(14) Section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.710;

(15) Section 2, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15-.742; and

(16) Section 4, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.744.

Sec. 6. Section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 68, Laws of 1974 ex. sess. and RCW 28B-.10.215 are each amended to read as follows:

There is allocated to each and every blind student attending any institution of higher education within the state a sum not to exceed two hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the council (~~(on higher)~~) for postsecondary education in the state of Washington, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher education: PROVIDED, That (~~(no blind student shall be charged any tuition or laboratory fee while attending any such state institution and said institution shall notify the council that it will waive tuition and laboratory fees for said blind student. The)~~) said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

Sec. 7. Section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 68, Laws of 1974 ex. sess. and RCW 28B-.10.220 are each amended to read as follows:

All blind student assistance shall be distributed under the supervision of the council (~~(on higher)~~) for postsecondary education in the state of Washington. The moneys or any part thereof allocated in the manner referred to in RCW 28B.10.215 shall, for furnishing said books or equipment or supplying said services, be paid by said council directly to the state institution of higher education, directly to such blind student, heretofore mentioned, or to his parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the council.

The council shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28B.10.215.

Sec. 8. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 1, chapter 148, Laws of 1979 ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended boards of trustees of the various community colleges shall waive general tuition fees, operating fees, and services and activities fees for students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in sections 1 through 4 of this amendatory act and who enroll in a course of study or program which

will enable them to finish their high school education and obtain a high school diploma or certificate, and the various community college boards may waive the general tuition, operating and services and activities fees for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 9. Section 1, chapter 262, Laws of 1979 ex. sess. as amended by section 1, chapter 62, Laws of 1980 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition, operating, and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition, operating, and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy ((or disadvantaged)) students ((under the program authorized by RCW 28B.15.530)) who are eligible for resident tuition and fee rates pursuant to sections 1 through 4 of this amendatory act: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs.

~~((2) The total dollar amount of tuition and fee waivers awarded by all of the community colleges considered as a whole, shall not exceed three percent of an amount determined by estimating the total collections from tuition, operating, and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees.~~

~~(3) The limitations on total tuition and fee waivers provided in subsections (1) and (2) of this section shall apply only to the following programs:~~

~~(a) Waivers for needy or disadvantaged students as authorized by RCW 28B.15.530;~~

~~(b) Scholarships or waivers for foreign students as authorized by RCW 28B.10.200 and in RCW 28B.15.742. PROVIDED, That awards which are~~

~~a part of a reciprocal placement program based on contracts with institutions in foreign countries shall be exempt from the limitation in subsection (1) of this section; and~~

~~(c) Tuition and fee waiver programs authorized by RCW 28B.15.742 and 28B.15.744;~~)

Sec. 10. Section 8, chapter 257, Laws of 1981 and RCW 28B.15.502 are each amended to read as follows:

General tuition fees, operating fees and services and activities fees at each community college other than at summer quarters shall be as follows: PROVIDED, That increases in tuition and fee rates for the ((1981)) 1982 summer session shall reflect the increases set forth below for the ((1981=82)) 1982-83 academic year:

(1) For full time resident students, the total of general tuition and operating fees for the 1981-82 academic year shall be four hundred six dollars and fifty cents, and for the 1982-83 academic year shall be four hundred fifty-four dollars and fifty cents, and thereafter such fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total of general tuition and operating fees for the 1981-82 academic year shall be one thousand seven hundred sixty-five dollars and fifty cents, and for the 1982-83 academic year shall be one thousand nine hundred seventy-two dollars and fifty cents, and thereafter such fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) General tuition, operating fees and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ungraded courses, non-credit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

Sec. 11. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 257, Laws of 1981 and RCW 28B.15.100 are each amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged general tuition, operating, and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged general tuition, operating, and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the council for postsecondary education that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states or that, until June 30, 1983, it is in the interest of the residents of such community college district to authorize the exchange of educational opportunities between Washington and other such states on a resident tuition and fee basis.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour general tuition and operating fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for

community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge.

Sec. 12. Section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 257, Laws of 1981 and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, (~~That required matching moneys for federal and state financial aid programs may be exempt from such deposit with approval of the director of financial management. PROVIDED FURTHER,)~~) That two and one-half percent of moneys received as operating fees be exempt from such deposit and be retained by the institutions for the purposes of RCW 28B.15.820.

Sec. 13. Section 9, chapter 257, Laws of 1981 and RCW 28B.15.820 are each amended to read as follows:

(1) Each institution of higher education shall deposit two and one-half percent of revenues collected from tuition, operating, and services and activities fees in an institutional long-term loan fund which is hereby created and which shall be held locally. Moneys in such fund shall be used to make guaranteed loans to eligible students.

(2) An "eligible student" for the purposes of this section is a student registered for at least six credit hours or the equivalent, who is (~~a "resident student" as defined in RCW 28B.15.012~~) eligible for resident tuition and fee rates as defined in sections 1 through 4 of this amendatory act, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the loans made under subsection (1) of this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent

with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et. seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Each institution is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of loans under subsection (1) of this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community college education and shall be conducted under procedures adopted by such state board.

(5) Receipts from payment of interest or principle or any other subsidies to which institutions as lenders are entitled, which are paid by or on behalf of borrowers of funds under subsection (1) of this section, shall be deposited in each institution's general local fund and shall be used to cover the costs of making the loans under subsection (1) of this section and maintaining necessary records and making collections under subsection (4) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principle. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be used for the support of the institution's operating budget.

(6) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(7) Lending activities under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(8) Short-term interim loans, not to exceed one hundred twenty days, may be made from the institutional long-term loan fund to students eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or

the constraints of federal law imposed by subsection (3) of this section. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan.

NEW SECTION. Sec. 14. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28B.15.031 or 28B.15.820, for the purpose of assisting the various institutions of higher education in meeting emergency financial problems, the institutions are directed to transfer amounts equal to the fiscal 1982 deposit of funds from the institutional loan fund established in RCW 28B.15.820 to their respective local general funds.

Sec. 15. Section 2, chapter 257, Laws of 1981 and RCW 28B.15.067 are each amended to read as follows:

General tuition and operating fees shall be established and adjusted biennially under the provisions of this chapter beginning with the 1983-84 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. The general tuition and operating fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts herein prescribed.

Sec. 16. Section 7, chapter 322, Laws of 1977 ex. sess. as amended by section 3, chapter 257, Laws of 1981 and RCW 28B.15.070 are each amended to read as follows:

The house and senate higher education committees shall develop, in cooperation with the council for postsecondary education and the respective fiscal committees of the house and senate, the office of financial management and the state institutions of higher education no later than December 1981, and at each two year interval thereafter, definitions, criteria and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities and community colleges upon which general tuition and operating fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the council shall be deemed to be approved.

Sec. 17. Section 4, chapter 257, Laws of 1981 and RCW 28B.15.076 are each amended to read as follows:

The council for postsecondary education shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year. General tuition fees and operating fees shall be based on such costs in accordance with the provisions of this chapter.

Sec. 18. Section 6, chapter 257, Laws of 1981 and RCW 28B.15.202 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows: PROVIDED, That increases in tuition and fee rates for the ~~((1981))~~ 1982 summer session shall reflect the increases set forth below for the ~~((1981-82))~~ 1982-83 academic year:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be nine hundred and twenty-one dollars, and for the 1982-83 academic year shall be one thousand and thirty-eight dollars, and thereafter such fees shall be one-third of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be one thousand one hundred and one dollars, and for the 1982-83 academic year shall be one thousand ~~((two))~~ five hundred and ~~((forty-eight))~~ sixty-three dollars, and thereafter such fees shall be ~~((one hundred and twenty percent of such fees charged in subsection (1) above))~~ twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be one thousand seven hundred and ninety-one dollars, and for the 1982-83 academic year shall be two thousand ~~((and seventy-nine))~~ six hundred and seven dollars, and thereafter such fees shall be ~~((two))~~ one hundred sixty-seven percent of such fees charged in subsection ~~((1))~~ (2) above: PROVIDED, That the general tuition fee for each academic year shall be three hundred and forty-two dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be two thousand nine hundred and ten dollars, and for the 1982-83 academic year shall be three

thousand one hundred and seventeen dollars, and thereafter such fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be three hundred and fifty-four dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be three thousand four hundred and fifty-two dollars, and for the 1982-83 academic year shall be ~~((three))~~ four thousand ~~((seven-hundred))~~ and ~~((forty-one))~~ seventy-four dollars, and thereafter such fees shall be ~~((one-hundred-and-twenty-percent-of-such-fees-charged-in-subsection-(4)-above))~~ sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be three hundred and fifty-four dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the 1981-82 academic year shall be five thousand five hundred and ninety-two dollars, and for the 1982-83 academic year shall be six thousand ~~((two))~~ eight hundred and ~~((thirty-seven))~~ four dollars, and thereafter such fees shall be ~~((two-hundred))~~ one hundred sixty-seven percent of such fees charged in subsection ~~((4))~~ (5) above: PROVIDED, That the general tuition fee for each academic year shall be five hundred and fifty-five dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred and thirty-eight dollars. In subsequent biennia the board of regents may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 19. Section 7, chapter 257, Laws of 1981 and RCW 28B.15.402 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows: PROVIDED, That increases in tuition and fee rates for the ~~((1981))~~ 1982 summer session shall

reflect the increases set forth below for the (~~(1981-82)~~) 1982-83 academic year:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total of general tuition and operating fees for the 1981-82 academic year shall be six hundred eighty-two dollars and fifty cents, and for the 1982-83 academic year shall be seven hundred fifty-seven dollars and fifty cents, and thereafter such fees shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total of general tuition and operating fees for the 1981-82 academic year shall be eight hundred eleven dollars and fifty cents, and for the 1982-83 academic year shall be ~~((nine))~~ one thousand one hundred ~~((seven))~~ thirty-five dollars and fifty cents, and thereafter such fees shall be ~~((one hundred and twenty percent of such fees charged in subsection (1) above))~~ twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year thereafter shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total of general tuition and operating fees for the 1981-82 academic year shall be two thousand seven hundred twenty-five dollars and fifty cents, and for the 1982-83 academic year shall be three thousand twenty-five dollars and fifty cents, and thereafter such fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(4) For full time nonresident graduate students, the total of general tuition and operating fees for the 1981-82 academic year shall be three thousand two hundred fifty dollars and fifty cents, and for the 1982-83 academic year shall be three thousand six hundred ~~((thirty-one))~~ ninety-seven dollars and fifty cents, and thereafter such fees shall be ~~((one hundred and twenty percent of such fees charged in subsection (3) above))~~ seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections

(1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 20. Section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.005 are each amended to read as follows:

As used in RCW ((~~28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380, 28B.40.361;~~) 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he seeks the benefits of RCW ((~~28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380;~~) 28B.40.361, 41.04.005, 41.04.010, 41.16.220 and 41.20.050, has served in any branch of the armed forces of the United States during:

(1) Any period of war and such "period of war" shall include World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The said "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has

(2) Received an honorable discharge; or

(3) Received a discharge for physical reasons with an honorable record;

or

(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given.

NEW SECTION. Sec. 21. (1) Up to \$1,076,000 may be used by the University of Washington from program 04 and 08 sources of general fund-state moneys under section 84, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess., and by chapter ... (Engrossed Substitute Senate Bill No. 4369), Laws of 1982 1st ex. sess., to supplement the stipends of teaching assistants, research assistants and medical residents.

(2) Up to \$649,000 may be used by Washington State University from program 04 and 08 sources of general fund-state moneys under section 85, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess., and by chapter ... (Engrossed Substitute Senate Bill No. 4369), Laws

of 1982 1st ex. sess., to supplement the stipends of teaching assistants and research assistants.

(3) The provisions of this section shall expire on June 30, 1983.

NEW SECTION. Sec. 22. Five hundred fifty thousand dollars from the state general fund is appropriated to the council for postsecondary education to be used to supplement the state financial aid programs authorized under RCW 28B.80.240.

NEW SECTION. Sec. 23. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. Sections 13 and 14 of this amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. All other sections of this amendatory act shall take effect on June 1, 1982.

Passed the House April 1, 1982.

Passed the Senate April 5, 1982.

Approved by the Governor April 20, 1982.

Filed in Office of Secretary of State April 20, 1982.

CHAPTER 38

[House Bill No. 795]

DEPARTMENT OF LABOR AND INDUSTRIES—USER FEES— APPROPRIATION

AN ACT Relating to employment; adding a new section to chapter 39.12 RCW; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 39.12 RCW a new section to read as follows:

The department of labor and industries may charge fees to awarding agencies on public works for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid. The department may also charge fees to persons or organizations requesting the arbitration of disputes under RCW 39.12.060. The amount of the fees shall be established by rules adopted by the department under the procedures in the administrative procedure act, chapter 34.04 RCW. The fees shall apply to all approvals, certifications, and arbitration requests made after the effective date of the rules. All fees shall be deposited in the general fund. The department may refuse to arbitrate for contractors, subcontractors, persons, or organizations which have not paid the proper fees. The department may,