

hospital a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) Permit any nonprofit hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and on a solvent basis.

(3) Permit any proprietary profit-making hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or, if the hospital elects, upon the fair value of the investment~~((, whichever is less))~~ on the effective date of this section: PROVIDED, That once the election is made it may not be changed without the approval of the commission.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

(5) Permit, in considering a request for change in or initiating a review of rate schedules or other charges, any hospital subject to the provisions of this chapter to charge rates which will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in this chapter.

Passed the Senate May 26, 1977.

Passed the House May 24, 1977.

Approved by the Governor June 3, 1977.

Filed in Office of Secretary of State June 3, 1977.

CHAPTER 155

[Engrossed Substitute Senate Bill No. 2113]

INSTITUTIONS OF HIGHER EDUCATION—NONIMMIGRANT ALIENS—TUITION AND FEES

AN ACT Relating to institutions of higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

NEW SECTION. Section 1. 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 state's public institutions of higher education shall grant resident status for the purpose of tuition and fee payment, including operating fees and services and activities fees, to any nonimmigrant alien entering the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he or she is a national, more specifically as referred to under the visa classification defined in Title 8, Section 1101(a)(15)(E)(i) under the Immigration and Nationality Act as in the Code of the United States of America, and to the spouse and children of any such alien.

***NEW SECTION. Sec. 2.** *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 rights as provided for in section 1 of this act shall be restricted to the non-immigrant aliens and dependents thereof who are nationals of countries which grant the same right to residents of the state of Washington who attend in such countries institutions of higher education which are comparable to state public institutions of higher education in the state of Washington.

*Sec. 2. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. The legislature recognizes that in extending resident tuition and fee rates at institutions of higher education to such nonimmigrant aliens and their families who are in this state to carry on business, as provided for in section 1 of this act, simple justice is being extended to such families who live in this state and pay federal, state and local taxes, contribute to the social and cultural activities within their neighborhoods, and contribute most substantially to the economic welfare of this state; thus these families should be accorded in some small measure rights coincident to that of their neighbors within their community.

NEW SECTION. Sec. 4. If any provision of this 1977 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.

Passed the Senate May 27, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State June 6, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one section, Substitute Senate Bill No. 2113 entitled:

"AN ACT Relating to institutions of Higher Education; creating new sections; and adding new sections to Chapter 223, Laws of 1969 Extraordinary Session, and to chapter 28B.15 RCW."

Section 2 of the bill restricts the resident tuition and fee classification to nonimmigrant aliens and dependents who are nationals of countries having comparable public institutions of higher education and extending the same resident tuition and fee policy to residents of the State of Washington who attend institutions of higher education in such countries. This would effectively require institutions in the State of Washington to first determine comparability and then ascertain by surveying Washington State citizens or institutions in affected foreign countries the tuition and fee rates charged to our citizens. This poses numerous measurement problems in determining comparability of foreign educational systems with our state educational system and unnecessarily increases the administrative workload associated with the enrolling and granting of residency status to the affected nonimmigrant alien.

Section 2 of the bill is also considered to be inconsistent with legislative intent as stipulated in Section 3. The main reason for extending residency status to this select group of nonimmigrant aliens and dependents is because they are viable members of the community, pay taxes, and contribute to the economic, social and cultural welfare of this state. It seems inappropriate and inconsistent to link that level of state contribution and involvement in community affairs to the higher educational system and tuition and fee policies of that person's country.

With the exception of Section 2, which I have vetoed, the remainder of Substitute Senate Bill No. 2113 is approved."