

# The Story of the Legislative Action Fund

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## History

### Opt-in Fee starting in 2002

Starting in 2002, Western Washington University had an opt-in fee system to fund membership with the Washington Student Association (WSA), formerly referred to as the Washington Student Lobby (WSL), where all monies donated through this fund were obligated to go directly to the WSA. As a result of this fee structure, Western was paying far more than any other member institution. During the 2007-2008 academic year, Western contributed \$14,495 in membership dues to WSA compared to the minimum campus dues set at \$4,500 per school or UW and WSU paying \$9,000. WSL leadership at the time assured Western that all monies received past the minimum would be refunded to the AS, but there was no guarantee.

In 2007, the AS led the charge to change the funding structure to a more equitable system that was based on state regulated Full Time Equivalencies (FTEs), which is essentially the full-time student population. Starting in 2008, WSA implemented minimum membership dues of \$.75 per FTE. This would mean that Western would be paying just over \$9,000 annually while UW would pay over \$25,000 and WSU would pay over \$14,000. Starting in 2013 as a result of changes in the WSA Bylaws, membership dues are now based on actual FTEs rather than the FTEs budgeted by the Washington State Office of Financial Management (OFM). Since there is a large difference between the actual and budgeted FTEs (view [here](#)), WSA member dues increased substantially providing WSA with more revenue. Membership dues for the 2013-2014 academic year are set at \$1.05 per FTE.

The proposal that would later be implemented in 2009 would put a referendum to student vote that would abolish the previous WSL fee structure and establish in its place a "Legislative Action Fee". The revenue from this fee would be controlled by the AS Board of Directors in a process similar to the management of the AS budget. The rationale was that changing the fee would give more flexibility to spend the funds on WSA membership dues as well as spending left over money on other legislative activities. If enough revenue is collected by the fee, there could be the ability to supplement and eventually cover all costs of ASWWU's legislative activity. This could potentially include covering the costs of lobby day and funding legislative and electoral trainings as well as help fund the annual Washington, D.C. lobby trip, fund a second lobby day or start an ASWWU specific legislative office in Olympia. Broadly speaking, the legislative action fund was established to help increase student representation and advocacy.

## **Student Elections Referendum (2009)**

During the 2008-2009 Associated Student body elections, the students of Western Washington University voted in favor of the following language:

Shall the students of Western Washington University propose that the "Administration shift the recipient of the Washington Student Lobby (WSL) donation monies from the WSL to a Legislative Action Fund maintained by the Associated Students for the purpose of more directly representing Western students?"

Total 1635 responses

- Yes: 87.0% (1423 Votes)
- No: 12.97% (212 Votes)

The Legislative Action Fund was brought to the June 12, 2009 Board of Trustees. The proposed motion was: "Moved, that the Board of Trustees of Western Washington University, upon request of the Associated Students Board of Directors, authorize the establishment of a student donation process to the Legislative Action Fund via the fee system. The purpose of this fund is to more directly represent WWU students in legislative manners through the decisions of the ASWWU. The establishment of this fund system will replace the current Washington Student Lobby (WSL) donation access to the fee system."

### **Board of Trustees notes**

"The Board of Trustees, at the request of the Associated Students, in 1982 established a process for students to donate to legislative representation by the Washington Student Lobby (WSL) through the fee system. That access has been modified over the ensuing years with the current positive check-off system authorized by the Trustees in 2002. Over many years, this process has provided the central financial support for the WSL. The amount collected for the WSL has been significantly higher than dues that WWU students would have paid to the organization on a proportional basis. Recent changes in the WSL organizational and dues structure have raised questions if the current system provides WWU students the best use of funds donated for legislative representation. Over the course of the 2008-2009 academic years, the Associated Students researched the current donation system for our statewide student association, the Washington Student Lobby. The AS President, Erik Lowe, presented information to the Board of Trustees at the December 12, 2008 meeting that outlined potential changes in the donation system. The AS Board felt it necessary to modify the current system to better represent Western students because of changes to the WSL funding structure in the 2007-2008 academic year and the structural changes including a name change from Washington Student Lobby to Washington Student Association (WSA) in May of this year. The AS Board believes that WWU students will be best represented if the funding is under the control of the Associated Students rather than donated directly to the WSA. This shift in control will still allow for membership and payment of dues to continue to WSA while providing more direct authority over funds donated by Western students. In addition, funds donated above the WSA dues amount can be utilized to more directly represent Western student interests in legislative affairs. In consultation with multiple student groups including the AS Student Senate and Legislative Affairs Council, the AS Board developed a referendum that was put to student vote in the 2009 student government elections." (June 12, 2009 Board of Trustees document).

## **AS Board and the AS Legislative Action Fund Committee**

In anticipation of the ratification of the referendum that was passed, the 2008-2009 Board of Directors recommended the establishment of a Legislative Action Fund Committee. The committee would be "designed to monitor the expenditure of student funds donated through the Legislative Action Fund opt-in program (LAF). It is recommended that, at minimum, the committee be responsible for creating quarterly budgets and reviewing funding proposals for activities designed to more directly represent Western students on the state and federal level. The committee is also responsible for reporting to the A.S. Board of Directors at least once per quarter through the V.P. for Governmental Affairs. At minimum these reports should include information detailing the activities and finances of the LAF including, but not limited to, project proposals, expenditures and budgetary status. Ensure that the committee drafts a document outlining the appropriate expenditure of monies from the LAF in accordance to the language that was passed by the students during the 2009 elections. Make certain that current funding for legislative activities through the Associated Students be maintained. Require that all students be notified of the change in recipients and that the funds donated during spring registration will be distributed to the Washington Student Association. Require that the funds be categorized as an independent entity under the purview of the Vice President for Student Affairs and Academic Support Services. Provide a comprehensive report to the A.S. Board of Directors with at least the following information: revenue, quarterly budgets, expenditures and projects by no later than spring quarter 2010. Suggest that the committee have formal interaction with the Student Senate and Legislative Affairs Council. Guarantee that the actions of the committee, in every project and procedure, further the mission and values of the Associated Students." (June 3, 2009 AS Board of Directors document)

## **What the LAF is used for**

Currently, the Legislative Affairs Council (LAC) serves as the body that oversees the Legislative Action Fund with the VP for Governmental Affairs serving as the official budget authority. The LAC reviews and approves all expenses from the Legislative Action Fund except for when the council is not in session. When not in session, the VP for Governmental Affairs, in consultation with the AS President and the Assistant Dean of Student Engagement/Director of Viking Union Facilities or designee, can approve funding. The Legislative Action Fund has been used in a variety of ways, including but not limited to, WSA membership dues, USSA membership dues, transportation for WSA Lobby Day, USSA Conferences (Congress and LegCon), smaller lobby trips, additional Viking Lobby Day expenses, organizing efforts on campus, and workshop/conference expenses. As stated in the Legislative Action Fund service fee form, the Legislative Action Fund can be used in "Funding bus transportation to Olympia during the legislative session for students to meet with legislators and staff".

In terms of legislative context, the Legislative Action Fund falls under [RCW 28B.15.610](#) on Voluntary fees of students, which states: "The provisions of this chapter shall not apply to or affect any student fee or charge which the students voluntarily maintain upon themselves for student purposes only. Students are authorized to create or increase voluntary student fees for each academic year when passed by a majority vote of the student government or its equivalent, or referendum presented

to the student body or such other process that has been adopted under this section. Notwithstanding RCW 42.17A.635 (2) and (3), voluntary student fees imposed under this section and services and activities fees may be used for lobbying by a student government association or its equivalent and may also be used to support a statewide or national student organization or its equivalent that may engage in lobbying."

## **Why increase the fee?**

With an increased Legislative Action Fund budget, there are many opportunities and worthwhile investments which ASWWU could fund, including but not limited to, sustaining increased WSA membership dues to support an additional staff person such as a Legislative Director (who would focus predominately on training Legislative Liaisons, helping students draft legislation to be seen in the legislature, and providing consistent presence year round in Olympia to advocate for students), pursuing direct membership with the United States Student Association (increase federal legislative influence), funding more and larger lobby trips, more trainings and workshops on campus, 4 quarter organizing coordinator (who would focus on Vote campaign in summer and fall, and legislative campaigns during legislative session (winter and spring), and to help strengthen Western Votes).

Another improvement would be to make the Legislative Action Fund more accessible to all students. More revenue means more funding available to students and student groups who are looking to help increase student representation. The first step would be to utilize the AS Operational budget structure to provide a clear and accessible budget summary, budget proposals, and budget tracker available for all students. Developing a structured budget will allow for direction and purpose in the allocation of funds. For example, funds can be made available for students and student group to help support their legislative and advocacy efforts. It is also important to develop an accessible funding request model so that students can request funding.

## **2014 General Election and Passage of the LAF Restructure**

The capacity for a larger legislative action fee has been demonstrated over the last few years and the need to be able to accurately budget for the year Kaylee Galloway (2013-2014 VP for Governmental Affairs) and Patrick Stickney (2012-2013 VP for Governmental Affairs) ran a referenda called the LAF Fee Restructure Referenda with the follow language: "Shall the students of Western Washington University, using the power granted to them by state law, change the Legislative Action Fund to a \$1 per quarter opt-out fee structure in order to increase student representation and advocacy efforts at the campus, local, state, and federal level?". By changing the fee structure to a \$1 opt-out fee the fee would be a steady source of revenue that the Vice President for Governmental Affairs would be able to budget for and it would increase revenue and increasing representation for

students. The vote was 75% yes and 25% no. After certified by the AS Board of Directors Kaylee Galloway went through the process of working with the Student Business Office to get the opt-out fee set up. After meetings with the Student Business Office and administration it was discovered that it was not possible to change the fee to an opt-out because they structure is currently not in place to have that be a viable option. It was not cost effective for students to go through the process of getting back their \$1 donation. Students voted to have an increased representation and advocacy efforts so for this fee to remain opt-in but change to a \$1 fee would decrease the amount of money donated and prevent LAC and other groups from growing their capacity. Kaylee Galloway brought the following motion to the 2013-2014 Board of Directors "Recommend to the Board of Trustees approval of a mandatory fee of \$1 per quarter to the Legislative Action Fund to begin collection Fall 2014". Eileen Coughlin, WWU VP of Enrollment and Student Services, has discussed this fee with President Bruce Shepard. In light of 2011 RCW 28B.15.610, President Shepard would be comfortable administering a mandatory fee upon approval of the Board of Trustees. This was passed on Tuesday, June 10<sup>th</sup> as action item F. On June 13<sup>th</sup> the Board of Trustees passed the

The recommendation of the University President and the various constituent review committees, approve the 2014-15 mandatory student fee levels and distribution for the S&A Fee as proposed in the attached documents for the following fees:

- 0 Services & Activities Fee (8.94% increase)
- 0 Student Health Service Fee (18.06% increase)
- 0 Student Recreation Fee (4.21% increase)
- 0 Technology Fee (No increase)
- 0 Non-Academic Building Fee (No increase)
- 0 Green Energy Fee (No increase)
- 0 Student Transportation Fee (No increase)
- 0 Legislative Action Fund (Decrease to \$1.00 with change in structure)

## Summer LAF Adventures!

After returning from summer break and officially starting my position as Vice President for Governmental Affairs, I received some information that the Financial Aid Office was not going to allow students who received full financial aid to give the mandatory fee to the LAF because of an anti-lobbying provision. Here is the language in the Federal Student Aid Handbook:

### ANTI-LOBBYING PROVISIONS

#### Prohibition on use of FSA funds

FSA funds may not be used to pay any person for trying to influence

- a member of Congress or an employee of a member of Congress, or
- an officer or employee of Congress or any agency.

This prohibition applies to the making of a federal grant or loan, awarding federal contracts, and entering into federal cooperative agreements, as well as to the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement. In addition, FSA funds may not be used to hire a registered lobbyist or to pay any person or entity for securing an earmark. Schools receiving FSA funds will have to certify their compliance with these requirements annually.

After meeting with Jim DeWilde from the Financial Aid Office and Bob Putich from the Student Business Office we were not able to interpret if the provision applied to the Legislative Action Fund since none of the money from the LAF goes to directly paying someone to lobby. The Legislative Liaison is paid out of S&A fees and though services are provided to volunteer the interpretation of pay was not able to be decided by us, Jim wanted to ask Lisa Wochos, the Assistant Attorney General for Western. The four of us met and Lisa decided that pay meant "to be paid for their services" and that "it only applied to federal lobbying" and it had to be a "large amount of the budget". Once this was decided the fee was able to be implemented.