

# HOUSE BILL REPORT

## ESB 6044

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As Reported By House Committee On:  
Higher Education  
Appropriations

**Title:** An act relating to residency of Native Americans for purposes of higher education tuition.

**Brief Description:** Changing residency status of Native Americans for purposes of higher education tuition.

**Sponsors:** Senators Bauer, Prentice and Sheldon; by request of Washington State University.

**Brief History:**

Reported by House Committee on:  
Higher Education, February 18, 1994, DPA;  
Appropriations, February 28, 1994, DPA(HE).

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### HOUSE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** Do pass as amended. Signed by 15 members: Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Mastin; Ogden; Rayburn; Shin and Wood.

**Staff:** Susan Hosch (786-7120).

**Background:** Under current law, tuition rates are different for resident and nonresident students. With some exceptions, before a person is entitled to pay resident tuition rates, the student, his or her parents or guardian must have established and maintained a permanent home or "domicile" in the state for at least one year before the student enrolls in college. This permanent home must have been established for purposes other than paying resident tuition rates. In order to show an institution that a person has established a permanent home in Washington, he or she may have to present evidence to the institution. That evidence may include a Washington driver's license, voter registration card, rent receipts, car license, employment information, location of a checking account, and the like.

Under current residency laws, a distinction is made between persons who are financially independent and those who are still dependent on their parents for financial support.

With some exceptions, a dependent student's status is based on the residency status of the student's parents or legal guardian. The resident status of a financially independent student is based on the student's own circumstances.

One exception to the domicile requirements was adopted in 1993. The exception granted resident student status to the spouse and dependents of active duty military personnel stationed in Washington. These residents do not need to live in the state for a year or prove that Washington is their permanent home. With some exceptions, if a Washington resident moves out of state, he or she loses the right to pay resident tuition rates.

Washington's residency laws do not recognize the complex nature of some of the extended family relationships of Native American tribal members.

**Summary of Amended Bill:** For the purposes of determining resident tuition rates, American Indian students who meet two conditions will be resident students. First, the students must have been domiciled in Oregon, Idaho or Montana for at least one year at the time that they enroll in a Washington public college or university. Second, the students must be members of one of the 33 American Indian tribes listed in the bill. These tribes are either those whose traditional and customary tribal boundaries included portions of the state of Washington, or tribes that were granted reserved lands within the state. The 33 tribes are named.

No state general fund money will be given to an institution to support any student who is granted resident status under this act if the student has not established a domicile in the state of Washington for at least one year before enrolling at a state college or university. In addition, these students will not be included in any calculation of state-funded enrollment for budgeting purposes.

**Amended Bill Compared to Engrossed Bill:** The term Native American is changed to American Indian, and the spelling for the Yakama Indian Nation is corrected. Technical corrections are made to ensure that the provisions of sections one and two are parallel. Finally, the language limiting the use of state general fund money moved from section three to section one.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Historically, bands or tribes of American Indian people have roamed freely across large areas. This pattern is especially true for the plateau people of Eastern Washington, Oregon, Idaho and Montana. Some of the lands upon which state higher education institutions are located were part of the tribal lands of American Indians who were relocated by the federal government to reservations in other states. The American Indians who lived on these lands deeded them to the federal government through treaties. In effect, they paid for their education in advance. However, many of their grandchildren cannot attend a Washington college or university on their tribal lands without paying out-of-state tuition. Some members of Washington tribes live in other states, sometimes with relatives who live on other reservations. These people cannot attend a college or university as resident students because they must first live in the state for a year. Most American Indian students are not wealthy enough to afford nonresident tuition rates. Permitting tribal members to be residents for fee paying purposes will assist institutions in their attempts to diversify the ethnic backgrounds of their student bodies. The legislation will not have any impact on the state general fund.

**Testimony Against:** This bill grants special privileges to a microsegment of society. Washington residents, through their taxes, pay for our colleges and universities. Allowing nonresidents to pay resident tuition rates is inequitable to taxpaying resident students. In addition, due to enrollment lids, nonresidents may end up displacing residents. Finally, there is no logical basis to give a nonresident resident student status based on where the student's ancestors lived.

**Witnesses:** Harold Chambers, citizen (con); Larry Ganders, Washington State University (pro); Paul Telford, citizen (con); Jennifer Scott, Governor's Office for Indian Affairs (pro); Randy Scott, Government Relations (pro); Jane Sherman, Higher Education Coordinating Board (pro); and Dawn Vyvyan, Yakama Tribe (pro).

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#### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Higher Education. Signed by 26 members: Representatives Sommers, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Leonard; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang and Wolfe.

**Staff:** Sherie Story (786-7142).

**Summary of Recommendation of Committee on Appropriations  
Compared to Recommendation of Committee on Higher Education:**  
No new changes were recommended.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill allows members of tribes whose ancestors lived on lands of Washington, Oregon, Idaho and Montana to enroll in colleges without paying out-of-state tuition. The original bill has been narrowed to just Montana, Idaho and Oregon and to ensure that there is no impact on the general fund. There will be minimal impact on the institutions.

**Testimony Against:** None.

**Witnesses:** Representative Dennis Dellwo (pro).