

HOUSE BILL REPORT

HB 2208

As Reported By House Committee On:
Higher Education

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: Representatives Dellwo, Jacobsen, Ogden, Schoesler, Lemmon, Sheahan, Grant, Van Luven, J. Kohl, H. Myers, Flemming and Sheldon; by request of Washington State University.

Brief History:

Reported by House Committee on:
Higher Education, January 25, 1994, DP.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass. Signed by 17 members: Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Carlson; Casada; Finkbeiner; Flemming; Kessler; Mastin; Mielke; Ogden; Orr; 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.

Summary of Bill: For the purposes of determining tuition rates, the members of 33 Native American tribes are considered to be resident students. The 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.

Fiscal Note: Requested January 19, 1994.

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

Testimony For: Historically, bands or tribes of Native American people have roamed freely across large areas. This pattern is especially true for the plateau people of Eastern Washington, Idaho and Montana. Some of the lands upon which state higher education institutions are located were part of the tribal lands of Native Americans who were relocated by the federal government to reservations in other states. These people 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. And, most Native American 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.

Testimony Against: None.

Witnesses: Terry Parr Wynecoop, Affiliated Tribes of Northwest Indians; Bill Picard, Nez Perce Tribe; Rhonda Lozon, Coeur d'Alene Tribe; Jane Sherman, Higher Education Coordinating Board; Virginia Bill, Puyallup Tribe; Larry Ganders, Washington State University; and George Durrie; Eastern Washington University.