

**SENATE BILL REPORT**

**ESB 6044**

**AS PASSED SENATE, FEBRUARY 9, 1994**

**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

**SENATE COMMITTEE ON HIGHER EDUCATION**

**Majority Report:** Do pass as amended.

Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Prince, Quigley, Sheldon and West.

**Staff:** Scott Huntley (786-7421)

**Hearing Dates:** January 26, 1994; January 28, 1994

**HOUSE COMMITTEE ON HIGHER EDUCATION**

**BACKGROUND:**

Washington has a number of native American tribes whose traditional and customary tribal boundaries include portions of the state of Washington and also portions of other states (Idaho and Oregon, primarily). Many of these tribes were granted reserved lands in the state of Washington, along with reserved lands in other neighboring states.

Allowing all members of such native American tribes, regardless of where they reside, to be considered residents of Washington for tuition purposes would recognize the complex nature of native American traditional land use (which may conflict with state boundary lines, imposed at a later date). It is also held granting resident status to such individuals will allow them to participate more fully in the higher education system of the state and increase the diversity of our state institutions.

**SUMMARY:**

Members of 32 specific native American tribes, whose traditional boundaries include part of the state of Washington, or whose tribe was granted reserved lands within the state, shall be considered residents of Washington for the purposes of tuition at state institutions of higher education. To be considered a resident for tuition purposes under this bill, a member of one of the listed tribes must be domiciled in Washington, Oregon, Idaho or Montana.

No state general fund moneys will be appropriated to state colleges or universities for the purpose of supporting students paying resident tuition solely as a result of this act. Such students shall not be included in any calculation of state-funded enrollment for budgeting purposes.

**Appropriation:** none

**Revenue:** yes

**Fiscal Note:** available

**TESTIMONY FOR:**

Native Americans resided in this region long before state boundaries were created. The state boundaries don't take into account the way in which native Americans used the land. This will allow native Americans the opportunity to improve themselves by participating more fully in the higher education system of this state.

**TESTIMONY AGAINST:**

We should not be providing special benefits to certain people that are not available to all. This is giving out-of-state native Americans special assistance from the state. Native Americans from these tribes living anywhere in the world could get this benefit.

**TESTIFIED:** Harold Chambers (con); PRO: Terry Parr Wyncoop, Spokane Tribe; Julia Davis, Nez Perce Tribe; Julie Taylor, Umatilla Tribe; Marion Boushie, Suquamish Tribe; Jane Sherman, HEC Board; Larry Ganders, WSU; Tom George, Provost WSU

**HOUSE AMENDMENT(S):**

The term native American is changed to American Indian. The spelling of Yakama Indian Nation is corrected. Language limiting the use of state general fund money is moved from a separate uncodified section into section 1 of the bill, which is codified.