

2 **ESHB 2373** - S COMM AMD  
3 By Committee on Ways & Means

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5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.80  
8 RCW to read as follows:

9 (1) The legislature finds that certain tuition policies in Oregon  
10 state are more responsive to the needs of students living in economic  
11 regions that cross the state border than the Washington state policies.  
12 Under Oregon policy, students who are Washington residents may enroll  
13 at Portland State University for eight credits or less and pay the same  
14 tuition as Oregon residents. Further, the state of Oregon passed  
15 legislation in 1997 to begin providing to its community colleges the  
16 same level of state funding for students residing in bordering states  
17 as students residing in Oregon.

18 (2) The legislature intends to build on the recent Oregon  
19 initiatives regarding tuition policy for students in bordering states  
20 and to facilitate regional planning for higher education delivery by  
21 creating a pilot project on resident tuition rates in two Washington  
22 counties that border Oregon state.

23 (3) For the purpose of calculating state support for enrollment  
24 funding in the omnibus appropriations act or for other enrollment  
25 reports, nonresident students participating in the pilot project shall  
26 be reported as nonresident students when headcount or full-time  
27 equivalent student data is submitted to the higher education  
28 coordinating board, the state board for community and technical  
29 colleges, the office of financial management, or the legislative fiscal  
30 committees.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.80 RCW  
32 to read as follows:

33 The border county higher education opportunity pilot project is  
34 created. The purpose of the pilot project is to allow three Washington  
35 institutions of higher education that are located in two counties on

1 the Oregon border to implement, on a trial basis, tuition policies that  
2 correspond to Oregon policies. Under the border county pilot project,  
3 Lower Columbia Community College and Clark Community College may enroll  
4 students who reside in the bordering Oregon counties of Columbia and  
5 Multnomah at resident tuition rates. The Vancouver branch of  
6 Washington State University may enroll students who reside in the  
7 bordering Oregon counties of Columbia and Multnomah for eight credits  
8 or less at resident tuition rates.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.15 RCW  
10 to read as follows:

11 For the purposes of determining resident tuition rates, "resident  
12 student" includes a resident of Oregon, residing in Columbia or  
13 Multnomah county, who meets the following conditions:

14 (1) The student is eligible to pay resident tuition rates under  
15 Oregon laws and has been domiciled in Columbia or Multnomah county for  
16 at least ninety consecutive days immediately before enrollment at a  
17 community college located in Clark or Cowlitz county, Washington; or

18 (2) The student is enrolled in courses located at the Vancouver  
19 branch of Washington State University.

20 **Sec. 4.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read  
21 as follows:

22 Whenever used in chapter 28B.15 RCW:

23 (1) The term "institution" shall mean a public university, college,  
24 or community college within the state of Washington.

25 (2) The term "resident student" shall mean:

26 (a) A financially independent student who has had a domicile in the  
27 state of Washington for the period of one year immediately prior to the  
28 time of commencement of the first day of the semester or quarter for  
29 which the student has registered at any institution and has in fact  
30 established a bona fide domicile in this state primarily for purposes  
31 other than educational;

32 (b) A dependent student, if one or both of the student's parents or  
33 legal guardians have maintained a bona fide domicile in the state of  
34 Washington for at least one year immediately prior to commencement of  
35 the semester or quarter for which the student has registered at any  
36 institution;

1 (c) A student classified as a resident based upon domicile by an  
2 institution on or before May 31, 1982, who was enrolled at a state  
3 institution during any term of the 1982-1983 academic year, so long as  
4 such student's enrollment (excepting summer sessions) at an institution  
5 in this state is continuous;

6 (d) Any student who has spent at least seventy-five percent of both  
7 his or her junior and senior years in high schools in this state, whose  
8 parents or legal guardians have been domiciled in the state for a  
9 period of at least one year within the five-year period before the  
10 student graduates from high school, and who enrolls in a public  
11 institution of higher education within six months of leaving high  
12 school, for as long as the student remains continuously enrolled for  
13 three quarters or two semesters in any calendar year;

14 (e) A student who is the spouse or a dependent of a person who is  
15 on active military duty stationed in the state;

16 (f) A student of an out-of-state institution of higher education  
17 who is attending a Washington state institution of higher education  
18 pursuant to a home tuition agreement as described in RCW 28B.15.725; or

19 (g) A student who meets the requirements of RCW 28B.15.0131 or  
20 section 3 of this act: PROVIDED, That a nonresident student enrolled  
21 for more than six hours per semester or quarter shall be considered as  
22 attending for primarily educational purposes, and for tuition and fee  
23 paying purposes only such period of enrollment shall not be counted  
24 toward the establishment of a bona fide domicile of one year in this  
25 state unless such student proves that the student has in fact  
26 established a bona fide domicile in this state primarily for purposes  
27 other than educational.

28 (3) The term "nonresident student" shall mean any student who does  
29 not qualify as a "resident student" under the provisions of RCW  
30 28B.15.012 and 28B.15.013. Except for students qualifying under  
31 subsection (2)(f) of this section, a nonresident student shall include:

32 (a) A student attending an institution with the aid of financial  
33 assistance provided by another state or governmental unit or agency  
34 thereof, such nonresidency continuing for one year after the completion  
35 of such semester or quarter. This condition shall not apply to  
36 students from Columbia or Multnomah county, Oregon participating in the  
37 border county pilot project under sections 2 and 3 of this act.

38 (b) A person who is not a citizen of the United States of America  
39 who does not have permanent or temporary resident status or does not

1 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
2 States immigration and naturalization service or is not otherwise  
3 permanently residing in the United States under color of law and who  
4 does not also meet and comply with all the applicable requirements in  
5 RCW 28B.15.012 and 28B.15.013.

6 (4) The term "domicile" shall denote a person's true, fixed and  
7 permanent home and place of habitation. It is the place where the  
8 student intends to remain, and to which the student expects to return  
9 when the student leaves without intending to establish a new domicile  
10 elsewhere. The burden of proof that a student, parent or guardian has  
11 established a domicile in the state of Washington primarily for  
12 purposes other than educational lies with the student.

13 (5) The term "dependent" shall mean a person who is not financially  
14 independent. Factors to be considered in determining whether a person  
15 is financially independent shall be set forth in rules and regulations  
16 adopted by the higher education coordinating board and shall include,  
17 but not be limited to, the state and federal income tax returns of the  
18 person and/or the student's parents or legal guardian filed for the  
19 calendar year prior to the year in which application is made and such  
20 other evidence as the board may require.

21 NEW SECTION. **Sec. 5.** This act expires June 30, 2002."

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25 On page 1, beginning on line 3 of the title, after "counties;"  
26 strike the remainder of the title and insert "amending RCW 28B.15.012;  
27 adding new sections to chapter 28B.80 RCW; adding a new section to  
28 chapter 28B.15 RCW; and providing an expiration date."

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