
HOUSE BILL 1016

State of Washington

56th Legislature

1999 Regular Session

By Representatives Carlson, Ogden, Kenney, Boldt, Pennington, Dunn, Hatfield, Doumit, Mielke, Talcott and Lantz

Read first time 01/11/1999. Referred to Committee on Higher Education.

1 AN ACT Relating to a pilot project on resident tuition rates for
2 students residing in certain border counties; amending RCW 28B.15.012
3 and 28B.12.030; adding new sections to chapter 28B.80 RCW; adding a new
4 section to chapter 28B.15 RCW; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

17 (2) The legislature intends to build on the recent Oregon
18 initiatives regarding tuition policy for students in bordering states
19 and to facilitate regional planning for higher education delivery, by

1 creating a pilot project on resident tuition rates and financial aid
2 portability in three Washington counties that border Oregon state.

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

5 The border county higher education opportunity pilot project is
6 created. The purpose of the pilot project is to allow three Washington
7 institutions of higher education that are located in three counties on
8 the Oregon border to implement, on a trial basis, tuition policies that
9 correspond to Oregon policies. Under the border county pilot project,
10 Lower Columbia Community College, Grays Harbor Community College, and
11 Clark Community College may enroll students who reside in the bordering
12 Oregon counties of Columbia and Multnomah at resident tuition rates.
13 The Vancouver branch of Washington State University may enroll students
14 who reside in the bordering Oregon counties of Columbia and Multnomah
15 for eight credits or less at resident tuition rates.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.80 RCW
17 to read as follows:

18 (1) The higher education coordinating board shall administer
19 Washington's participation in the border county higher education
20 opportunity pilot project.

21 (2) By November 30, 2001, the board shall report to the governor
22 and appropriate committees of the legislature on the results of the
23 pilot project. The report shall include a recommendation on the extent
24 to which border county tuition policies should be revised or expanded.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.15 RCW
26 to read as follows:

27 For the purposes of determining resident tuition rates, "resident
28 student" includes:

29 (1) A resident of Oregon, residing in Columbia or Multnomah county,
30 who meets the following conditions:

31 (a) The student is eligible to pay resident tuition rates under
32 Oregon laws and has been domiciled in Columbia or Multnomah county for
33 at least ninety consecutive days immediately before enrollment at a
34 community college located in Clark, Cowlitz, or Pacific county,
35 Washington; or

1 (b) The student is enrolled in courses located at the Vancouver
2 branch of Washington State University for eight credits or less.

3 **Sec. 5.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read
4 as follows:

5 Whenever used in chapter 28B.15 RCW:

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

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

9 (a) A financially independent student who has had a domicile in the
10 state of Washington for the period of one year immediately prior to the
11 time of commencement of the first day of the semester or quarter for
12 which the student has registered at any institution and has in fact
13 established a bona fide domicile in this state primarily for purposes
14 other than educational;

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

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

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

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

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

1 (g) A student who meets the requirements of RCW 28B.15.0131 or
2 section 4 of this act: PROVIDED, That a nonresident student enrolled
3 for more than six hours per semester or quarter shall be considered as
4 attending for primarily educational purposes, and for tuition and fee
5 paying purposes only such period of enrollment shall not be counted
6 toward the establishment of a bona fide domicile of one year in this
7 state unless such student proves that the student has in fact
8 established a bona fide domicile in this state primarily for purposes
9 other than educational.

10 (3) The term "nonresident student" shall mean any student who does
11 not qualify as a "resident student" under the provisions of RCW
12 28B.15.012 and 28B.15.013. Except for students qualifying under
13 subsection (2)(f) of this section, a nonresident student shall include:

14 (a) A student attending an institution with the aid of financial
15 assistance provided by another state or governmental unit or agency
16 thereof, such nonresidency continuing for one year after the completion
17 of such semester or quarter. This condition shall not apply to
18 students from Columbia or Multnomah county, Oregon participating in the
19 border county pilot project under sections 2 through 4 of this act.

20 (b) A person who is not a citizen of the United States of America
21 who does not have permanent or temporary resident status or does not
22 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
23 States immigration and naturalization service or is not otherwise
24 permanently residing in the United States under color of law and who
25 does not also meet and comply with all the applicable requirements in
26 RCW 28B.15.012 and 28B.15.013.

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

34 (5) The term "dependent" shall mean a person who is not financially
35 independent. Factors to be considered in determining whether a person
36 is financially independent shall be set forth in rules and regulations
37 adopted by the higher education coordinating board and shall include,
38 but not be limited to, the state and federal income tax returns of the
39 person and/or the student's parents or legal guardian filed for the

1 calendar year prior to the year in which application is made and such
2 other evidence as the board may require.

3 **Sec. 6.** RCW 28B.12.030 and 1994 c 130 s 3 are each amended to read
4 as follows:

5 As used in this chapter, the following words and terms shall have
6 the following meanings, unless the context shall clearly indicate
7 another or different meaning or intent:

8 (1) The term "needy student" shall mean a student enrolled or
9 accepted for enrollment at a post-secondary institution who, according
10 to a system of need analysis approved by the higher education
11 coordinating board, demonstrates a financial inability, either
12 parental, familial, or personal, to bear the total cost of education
13 for any semester or quarter.

14 (2) The term "eligible institution" shall mean any post-secondary
15 institution in this state accredited by the Northwest Association of
16 Schools and Colleges or any public technical college in the state or
17 until June 30, 2002, and for the sole purpose of sections 2 through 4
18 of this act, a community college located in Columbia or Multnomah
19 county, Oregon, and Portland State University located in Portland,
20 Oregon.

21 NEW SECTION. **Sec. 7.** This act expires June 30, 2002.

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