

SENATE BILL REPORT

ESHB 1607

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, March 30, 2005

Title: An act relating to resident tuition rates for American Indian students.

Brief Description: Including members of federally recognized Indian tribes as resident students for tuition purposes.

Sponsors: House Committee on Higher Education (originally sponsored by Representatives Strow, Kenney, Walsh, McCoy, Ormsby, Murray, Chase, Dickerson, Hasegawa, Roberts, Santos and Hudgins).

Brief History: Passed House: 3/03/05, 97-0.

Committee Activity: Early Learning, K-12 & Higher Education: 3/25/05, 3/30/05 [DP].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: Do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schoesler and Shin.

Staff: Heather Lewis-Lechner (786-7448)

Background: State laws define a number of criteria for determining residency for purposes of paying resident tuition rates at public institutions of higher education. The primary criterion is that the student, or his or her family if the student is a dependent, must have a bona fide domicile in Washington for at least one year prior to the academic year in which the student wishes to enroll.

Native American students can qualify for resident tuition if they were a resident of Idaho, Montana, Oregon, or Washington during the prior year, and if they are a member of an American Indian tribe whose traditional and customary tribal boundaries included portions of Washington, or whose tribe was granted reserved lands in the state. Thirty-three different tribes are specified in the statute. Twenty-seven are Washington State tribes recognized by the federal government. Five are tribes whose primary tribal boundaries are in neighboring states.

If a Native American student would not otherwise qualify as a resident, but does qualify under this law, the institution cannot count that student as a "state-supported" student for purposes of budgeted enrollment, and no state funds are provided to support that student's education.

This law was enacted in 1994. Since that time, two additional Washington tribes have received federal recognition: the Samish Indian Nation and the Cowlitz Tribe. These tribes are not currently included in the statutory list of tribes under the law regarding resident tuition for Native American students.

Summary of Bill: Members of any federally recognized Indian tribe, rather than a specific list of tribes, whose customary and tribal boundaries include portions of Washington, are eligible for resident tuition under certain circumstances.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill will help close the achievement gap for our students. There are a number of tribes that border Washington that have their tribal headquarters in a neighboring state but the tribe members live in Washington. This is a technical clean-up bill that just ensures that all federally recognized tribes are included in the law.

Testimony Against: None.

Who Testified: PRO: Representative McCoy, prime sponsor; Mike Moran, Samish Tribe; Robert Butts, OSPI.