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**SUBSTITUTE HOUSE BILL 2373**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Higher Education (originally sponsored by Representatives Carlson, Kenney, O'Brien, Anderson and Mason)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to a pilot project on resident tuition rates and  
2 financial aid portability for students residing in certain border  
3 counties; amending RCW 28B.15.012, 28B.10.790, and 28B.12.030; adding  
4 new sections to chapter 28B.80 RCW; adding a new section to chapter  
5 28B.15 RCW; and providing an expiration date.

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

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

1 and to facilitate regional planning for higher education delivery, by  
2 creating a pilot project on resident tuition rates and financial aid  
3 portability in two Washington counties that border Oregon state.

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

6 (1) The border county higher education opportunity pilot project is  
7 created. The pilot project has two purposes.

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

18 (3) The second purpose of the pilot project is to permit needy  
19 resident students who reside in the Washington border counties of Clark  
20 and Cowlitz to use their state-funded financial aid awards when they  
21 attend eligible career schools or community colleges located in the  
22 Oregon counties of Columbia or Multnomah; or to enroll at Portland  
23 State University for eight credits or less.

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

26 (1) The higher education coordinating board shall administer  
27 Washington's participation in the border county higher education  
28 opportunity pilot project.

29 (2) The board shall permit eligible needy Washington residents  
30 domiciled in Clark or Cowlitz county for at least ninety days before  
31 enrollment to use their state need grant awards when the students are  
32 enrolled in eligible career schools and community colleges located in  
33 Columbia or Multnomah county, Oregon, and their state need grant and  
34 work study awards when the students are enrolled for eight credits or  
35 less at Portland State University in Portland, Oregon. The board may  
36 adopt rules to establish eligibility criteria for student and  
37 institutional participation in the pilot project.

1 (3) By November 30, 2001, the board shall report to the governor  
2 and appropriate committees of the legislature on the results of the  
3 pilot project. The report shall include a recommendation on the extent  
4 to which border county tuition policies and financial aid portability  
5 programs should be revised or expanded.

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

8 For the purposes of determining resident tuition rates, "resident  
9 student" includes:

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

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

16 (b) The student is enrolled in courses located at the Vancouver  
17 branch of Washington State University.

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

20 Whenever used in chapter 28B.15 RCW:

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

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

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

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

35 (c) A student classified as a resident based upon domicile by an  
36 institution on or before May 31, 1982, who was enrolled at a state  
37 institution during any term of the 1982-1983 academic year, so long as

1 such student's enrollment (excepting summer sessions) at an institution  
2 in this state is continuous;

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

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

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

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

25 (3) The term "nonresident student" shall mean any student who does  
26 not qualify as a "resident student" under the provisions of RCW  
27 28B.15.012 and 28B.15.013. Except for students qualifying under  
28 subsection (2)(f) of this section, a nonresident student shall include:

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

35 (b) A person who is not a citizen of the United States of America  
36 who does not have permanent or temporary resident status or does not  
37 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
38 States immigration and naturalization service or is not otherwise  
39 permanently residing in the United States under color of law and who

1 does not also meet and comply with all the applicable requirements in  
2 RCW 28B.15.012 and 28B.15.013.

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

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

18 **Sec. 6.** RCW 28B.10.790 and 1985 c 370 s 54 are each amended to  
19 read as follows:

20 (1) Washington residents attending any nonprofit college or  
21 university in another state which has a reciprocity agreement with the  
22 state of Washington shall be eligible for the student financial aid  
23 program outlined in RCW 28B.10.800 through 28B.10.824 if (1) they  
24 qualify as a "needy student" under RCW 28B.10.802(3), and (2) the  
25 institution attended is a member institution of an accrediting  
26 association recognized by rule of the higher education coordinating  
27 board for the purposes of this section and is specifically encompassed  
28 within or directly affected by such reciprocity agreement and agrees to  
29 and complies with program rules and regulations pertaining to such  
30 students and institutions adopted pursuant to RCW 28B.10.822.

31 (2) Students participating in the pilot project under sections 2  
32 through 4 of this act are eligible for the student financial aid  
33 programs outlined in RCW 28B.10.800 through 28B.10.824 and chapter  
34 28B.12 RCW only if the students:

35 (a) Would qualify as resident students under RCW 28B.15.012(2) (a)  
36 through (e) if they were enrolled in an institution of higher education  
37 as defined in RCW 28B.10.016;

1       (b) Have been domiciled in Clark or Cowlitz county, Washington for  
2 a minimum of ninety days immediately before enrolling in a community  
3 college located in Columbia or Multnomah county, Oregon; or

4       (c) Are enrolled at Portland State University for eight credits or  
5 less.

6       **Sec. 7.** RCW 28B.12.030 and 1994 c 130 s 3 are each amended to read  
7 as follows:

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

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

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

24       NEW SECTION.   **Sec. 8.** This act expires June 30, 2002.

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