
SUBSTITUTE HOUSE BILL 1005

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Higher Education (originally sponsored by Representatives Carlson, Pennington, Ogden, Dunn, Boldt and Mielke)

Read first time 02/11/97.

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 in Washington and Oregon; amending RCW 28B.15.012, 28B.10.790,
4 28B.10.802, and 28B.12.030; adding new sections to chapter 28B.80 RCW;
5 adding a new section to chapter 28B.15 RCW; providing a contingent
6 effective date; and providing an expiration date.

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

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

10 (1) The legislature finds that:

11 (a) During the next fifteen to twenty years, Washington's colleges
12 and universities will face significant capacity and fiscal pressures as
13 they attempt to meet the enrollment demands of students from the baby
14 boom echo generation and from workers seeking retraining;

15 (b) One of the ways to help alleviate some of the pressure caused
16 by enrollment demands may be by permitting students to study and use
17 their financial aid awards in colleges, universities, and private
18 career schools located in other states;

1 (c) Some of Washington's college students living in border
2 communities would benefit from an opportunity to study in specialized
3 programs or institutions of higher education located in other states;
4 and

5 (d) The state could benefit by creating pilot projects that study
6 creative, cost-effective ways to meet the postsecondary education needs
7 of Washington's students.

8 (2) Therefore, the legislature intends to work with the Oregon
9 legislature to create a pilot project that permits residents of
10 Multnomah county, Oregon, and Clark county, Washington, to pay resident
11 tuition rates at public colleges and universities located in either
12 county. In addition, the legislature intends to permit needy residents
13 of Clark county to use their financial aid awards to study in
14 accredited public and independent institutions of higher education and
15 private career schools and colleges located in Multnomah county,
16 Oregon.

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

19 The border county higher education opportunity pilot project is
20 created. The pilot project has two purposes. The first purpose is to
21 permit certain residents of Clark county, Washington, and Multnomah
22 county, Oregon, to pay resident tuition rates when they attend a public
23 college or university in either county. The second purpose is to
24 permit needy resident students domiciled in those counties to use their
25 state-funded financial aid awards when they attend an accredited public
26 or independent institution of higher education or a private career
27 school or college in either county.

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

30 (1) The higher education coordinating board shall administer
31 Washington's participation in the border county higher education
32 opportunity pilot project.

33 (2) The board shall permit eligible needy Washington residents
34 domiciled in Clark county for at least one year before enrollment to
35 use their state need grant awards when the students are enrolled in
36 eligible career schools and colleges located in Multnomah county,
37 Oregon, and their state need grant and work study awards when the

1 students are enrolled in eligible public or independent institutions of
2 higher education located in Multnomah county, Oregon. The board may
3 adopt rules to establish eligibility criteria for student and
4 institutional participation in the pilot project.

5 (3) By November 30, 2000, the board shall report to the governor
6 and appropriate committees of the legislature on the results of the
7 pilot project and on tuition reciprocity programs. The report shall
8 include a recommendation on the extent to which tuition reciprocity and
9 financial aid portability programs should be revised or expanded.

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

12 For the purposes of determining resident tuition rates, "resident
13 student" includes:

14 (1) A resident of Oregon, residing in Multnomah county, who meets
15 the following conditions:

16 (a) The student shall be eligible to pay resident tuition rates
17 under Oregon laws and shall have been domiciled in Multnomah county for
18 at least ninety consecutive days immediately before enrollment at an
19 institution of higher education as defined in RCW 28B.10.016; and

20 (b) The student shall be enrolled either in a public institution of
21 higher education located in Clark county, Washington, or in a program
22 offered in Clark county, Washington, by a public institution of higher
23 education as defined in RCW 28B.10.016; or

24 (2) A resident of Washington, residing in Clark county, who meets
25 the conditions of RCW 28B.15.013 and the following additional
26 conditions:

27 (a) If the student is financially independent, the student shall
28 have had a domicile in Clark county, Washington for at least ninety
29 days immediately prior to the beginning of the first day of the
30 academic term for which the student is registered, and shall have
31 established a bona fide domicile in this state primarily for purposes
32 other than educational;

33 (b) If the student is a dependent, one or both of the student's
34 parents or legal guardians shall have maintained a bona fide domicile
35 in Clark county, Washington for at least ninety days immediately prior
36 to the beginning of the first day of the academic term for which the
37 student is registered;

1 (c) The student is enrolled either at an institution of higher
2 education in Clark county, Washington or in a program offered in Clark
3 county by an institution of higher education as defined in RCW
4 28B.10.016;

5 (d) The student does not qualify as a nonresident student under the
6 provisions of RCW 28B.15.012(3).

7 **Sec. 5.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read
8 as follows:

9 Whenever used in chapter 28B.15 RCW:

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

12 (2) The term "resident student" shall mean: (a) A financially
13 independent student who has had a domicile in the state of Washington
14 for the period of one year immediately prior to the time of
15 commencement of the first day of the semester or quarter for which the
16 student has registered at any institution and has in fact established
17 a bona fide domicile in this state primarily for purposes other than
18 educational; (b) a dependent student, if one or both of the student's
19 parents or legal guardians have maintained a bona fide domicile in the
20 state of Washington for at least one year immediately prior to
21 commencement of the semester or quarter for which the student has
22 registered at any institution; (c) a student classified as a resident
23 based upon domicile by an institution on or before May 31, 1982, who
24 was enrolled at a state institution during any term of the 1982-1983
25 academic year, so long as such student's enrollment (excepting summer
26 sessions) at an institution in this state is continuous; (d) any
27 student who has spent at least seventy-five percent of both his or her
28 junior and senior years in high schools in this state, whose parents or
29 legal guardians have been domiciled in the state for a period of at
30 least one year within the five-year period before the student graduates
31 from high school, and who enrolls in a public institution of higher
32 education within six months of leaving high school, for as long as the
33 student remains continuously enrolled for three quarters or two
34 semesters in any calendar year; (e) a student who is the spouse or a
35 dependent of a person who is on active military duty stationed in the
36 state; or (f) a student who meets the requirements of RCW 28B.15.0131
37 or section 4 of this act: PROVIDED, That a nonresident student
38 enrolled for more than six hours per semester or quarter shall be

1 considered as attending for primarily educational purposes, and for
2 tuition and fee paying purposes only such period of enrollment shall
3 not be counted toward the establishment of a bona fide domicile of one
4 year in this state unless such student proves that the student has in
5 fact established a bona fide domicile in this state primarily for
6 purposes other than educational.

7 (3) The term "nonresident student" shall mean any student who does
8 not qualify as a "resident student" under the provisions of RCW
9 28B.15.012 and 28B.15.013. A nonresident student shall include:

10 (a) A student attending an institution with the aid of financial
11 assistance provided by another state or governmental unit or agency
12 thereof, such nonresidency continuing for one year after the completion
13 of such semester or quarter. This condition shall not apply to
14 students from Multnomah county, Oregon participating in the border
15 county pilot project under sections 1 through 4 of this act.

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

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

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

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

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

14 (2) Students participating in the pilot project under sections 2
15 through 4 of this act are eligible for the student financial aid
16 programs outlined in RCW 28B.10.800 through 28B.10.824 and chapter
17 28B.12 RCW only if the students:

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

21 (b) Have been domiciled in Clark county, Washington for a minimum
22 of one year immediately before enrolling in an eligible institution of
23 higher education located in Multnomah county, Oregon;

24 (c) Would qualify as needy students under RCW 28B.10.802(3); and

25 (d) Are enrolled at an eligible institution of higher education, as
26 defined by the board under section 3 of this act, that is located in
27 Multnomah county, Oregon.

28 **Sec. 7.** RCW 28B.10.802 and 1989 c 254 s 2 are each amended to read
29 as follows:

30 As used in RCW 28B.10.800 through 28B.10.824:

31 (1) "Institutions of higher education" shall mean ~~((+1))~~ (a) any
32 public university, college, community college, or vocational-technical
33 institute operated by the state of Washington or any political
34 subdivision thereof (~~(or -2)~~); (b) until June 30, 2001, and for the
35 sole purpose of sections 2 through 4 of this act, any institution of
36 higher education or private career school or college located in
37 Multnomah county, Oregon, that meets the eligibility requirements
38 established by the board under section 3 of this act; or (c) any other

1 university, college, school, or institute in the state of Washington
2 offering instruction beyond the high school level which is a member
3 institution of an accrediting association recognized by rule of the
4 board for the purposes of this section: PROVIDED, That any
5 institution, branch, extension or facility operating within the state
6 of Washington which is affiliated with an institution operating in
7 another state must be a separately accredited member institution of any
8 such accrediting association: PROVIDED FURTHER, That no institution of
9 higher education shall be eligible to participate in a student
10 financial aid program unless it agrees to and complies with program
11 rules and regulations adopted pursuant to RCW 28B.10.822.

12 (2) The term "financial aid" shall mean loans and/or grants to
13 needy students enrolled or accepted for enrollment as a student at
14 institutions of higher education.

15 (3) The term "needy student" shall mean a post high school student
16 of an institution of higher learning as defined in subsection (1) of
17 this section who demonstrates to the board the financial inability,
18 either through the student's parents, family and/or personally, to meet
19 the total cost of board, room, books, and tuition and incidental fees
20 for any semester or quarter.

21 (4) The term "disadvantaged student" shall mean a post high school
22 student who by reason of adverse cultural, educational, environmental,
23 experiential, familial or other circumstances is unable to qualify for
24 enrollment as a full time student in an institution of higher learning,
25 who would otherwise qualify as a needy student, and who is attending an
26 institution of higher learning under an established program designed to
27 qualify the student for enrollment as a full time student.

28 (5) "Commission" or "board" shall mean the higher education
29 coordinating board.

30 **Sec. 8.** RCW 28B.12.030 and 1994 c 130 s 3 are each amended to read
31 as follows:

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

35 (1) The term "needy student" shall mean a student enrolled or
36 accepted for enrollment at a post-secondary institution who, according
37 to a system of need analysis approved by the higher education
38 coordinating board, demonstrates a financial inability, either

1 parental, familial, or personal, to bear the total cost of education
2 for any semester or quarter.

3 (2) The term "eligible institution" shall mean any post-secondary
4 institution in this state accredited by the Northwest Association of
5 Schools and Colleges or any public technical college in the state or
6 until June 30, 2001, and for the sole purpose of sections 2 through 4
7 of this act, any institution of higher education located in Multnomah
8 county, Oregon, that meets the eligibility requirements established by
9 the board under section 3 of this act.

10 NEW SECTION. Sec. 9. This act takes effect at the beginning of
11 the academic term following the enactment of legislation in Oregon that
12 permits Washington residents to pay resident tuition rates at public
13 institutions of higher education located in Multnomah county, Oregon,
14 if the Washington residents have been domiciled in Clark county for at
15 least ninety consecutive days immediately before the first day of
16 enrollment in public institutions of higher education located in
17 Multnomah county, Oregon.

18 NEW SECTION. Sec. 10. This act expires June 30, 2001.

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