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**SUBSTITUTE HOUSE BILL 1016**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Higher Education (originally sponsored by Representatives Carlson, Ogden, Kenney, Boldt, Pennington, Dunn, Hatfield, Doumit, Mielke, Talcott and Lantz)

Read first time 02/25/1999.

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 adding new sections to chapter 28B.80 RCW; adding a new section to  
4 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 in four Washington  
2 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 (1) The border county higher education opportunity pilot project is  
6 created. The purpose of the pilot project is to allow four Washington  
7 institutions of higher education that are located in four 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, Multnomah, Clatsop, and Washington at  
13 resident tuition rates. The Vancouver branch of Washington State  
14 University may enroll students who reside in the bordering Oregon  
15 counties of Columbia, Multnomah, Clatsop, and Washington for eight  
16 credits or less at resident tuition rates.

17 (2) Washington institutions of higher education participating in  
18 the pilot project shall give priority program enrollment to Washington  
19 residents.

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

22 (1) The higher education coordinating board shall administer  
23 Washington's participation in the border county higher education  
24 opportunity pilot project.

25 (2) By November 30, 2001, the board shall report to the governor  
26 and appropriate committees of the legislature on the results of the  
27 pilot project. For each participating Washington institution of higher  
28 education, the report shall analyze, by program, the impact of the  
29 pilot project on: Enrollment levels, distribution of students by  
30 residency, and enrollment capacity. The report shall also include a  
31 recommendation on the extent to which border county tuition policies  
32 should be revised or expanded.

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

35 For the purposes of determining resident tuition rates, "resident  
36 student" includes a resident of Oregon, residing in Columbia,

1 Multnomah, Clatsop, or Washington county, who meets the following  
2 conditions:

3 (1) The student is eligible to pay resident tuition rates under  
4 Oregon laws and has been domiciled in Columbia, Multnomah, Clatsop, or  
5 Washington county for at least ninety consecutive days immediately  
6 before enrollment at a community college located in Clark, Cowlitz,  
7 Wahkiakum, or Pacific county, Washington; or

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

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

12 Whenever used in chapter 28B.15 RCW:

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

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

16 (a) A financially independent student who has had a domicile in the  
17 state of Washington for the period of one year immediately prior to the  
18 time of commencement of the first day of the semester or quarter for  
19 which the student has registered at any institution and has in fact  
20 established a bona fide domicile in this state primarily for purposes  
21 other than educational;

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

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

32 (d) Any student who has spent at least seventy-five percent of both  
33 his or her junior and senior years in high schools in this state, whose  
34 parents or legal guardians have been domiciled in the state for a  
35 period of at least one year within the five-year period before the  
36 student graduates from high school, and who enrolls in a public  
37 institution of higher education within six months of leaving high

1 school, for as long as the student remains continuously enrolled for  
2 three quarters or two semesters in any calendar year;

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

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

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

17 (3) The term "nonresident student" shall mean any student who does  
18 not qualify as a "resident student" under the provisions of RCW  
19 28B.15.012 and 28B.15.013. Except for students qualifying under  
20 subsection (2)(f) of this section, a nonresident student shall include:

21 (a) A student attending an institution with the aid of financial  
22 assistance provided by another state or governmental unit or agency  
23 thereof, such nonresidency continuing for one year after the completion  
24 of such semester or quarter. This condition shall not apply to  
25 students from Columbia, Multnomah, Clatsop, or Washington county,  
26 Oregon participating in the border county pilot project under sections  
27 2 through 4 of this act.

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

35 (4) The term "domicile" shall denote a person's true, fixed and  
36 permanent home and place of habitation. It is the place where the  
37 student intends to remain, and to which the student expects to return  
38 when the student leaves without intending to establish a new domicile  
39 elsewhere. The burden of proof that a student, parent or guardian has

1 established a domicile in the state of Washington primarily for  
2 purposes other than educational lies with the student.

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

11 NEW SECTION. **Sec. 6.** This act expires June 30, 2002.

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