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HOUSE BILL 2904

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives Carlson and Kenney

Read first time 01/24/2000. Referred to Committee on Higher Education.

1            AN ACT Relating to the border county higher education opportunity  
2 pilot project; amending RCW 28B.15.012, 28B.15.0139, and 28B.80.806;  
3 and providing an expiration date.

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

5            **Sec. 1.** RCW 28B.15.012 and 1999 c 320 s 5 are each amended to read  
6 as follows:

7            Whenever used in chapter 28B.15 RCW:

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

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

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

17           (b) A dependent student, if one or both of the student's parents or  
18 legal guardians have maintained a bona fide domicile in the state of  
19 Washington for at least one year immediately prior to commencement of

1 the semester or quarter for which the student has registered at any  
2 institution;

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

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

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

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

21 (g) A student who meets the requirements of RCW 28B.15.0131 or  
22 28B.15.0139: PROVIDED, That a nonresident student enrolled for more  
23 than six hours per semester or quarter shall be considered as attending  
24 for primarily educational purposes, and for tuition and fee paying  
25 purposes only such period of enrollment shall not be counted toward the  
26 establishment of a bona fide domicile of one year in this state unless  
27 such student proves that the student has in fact established a bona  
28 fide domicile in this state primarily for purposes other than  
29 educational.

30 (3) The term "nonresident student" shall mean any student who does  
31 not qualify as a "resident student" under the provisions of RCW  
32 28B.15.012 and 28B.15.013. Except for students qualifying under  
33 subsection (2)(f) of this section, a nonresident student shall include:

34 (a) A student attending an institution with the aid of financial  
35 assistance provided by another state or governmental unit or agency  
36 thereof, such nonresidency continuing for one year after the completion  
37 of such semester or quarter. This condition shall not apply to  
38 students from Columbia, Multnomah, Clatsop, Clackamas, or Washington

1 county, Oregon participating in the border county pilot project under  
2 RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

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

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

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

25 **Sec. 2.** RCW 28B.15.0139 and 1999 c 320 s 4 are each amended to  
26 read as follows:

27 For the purposes of determining resident tuition rates, "resident  
28 student" includes a resident of Oregon, residing in Columbia,  
29 Multnomah, Clatsop, Clackamas, or Washington county, who meets the  
30 following conditions:

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

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

1       **Sec. 3.** RCW 28B.80.806 and 1999 c 320 s 2 are each amended to read  
2 as follows:

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

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

18       NEW SECTION.   **Sec. 4.** This act expires June 30, 2002.

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