
HOUSE BILL 1497

State of Washington

53rd Legislature

1993 Regular Session

By Representative Dellwo

Read first time 01/29/93. Referred to Committee on Higher Education.

1 AN ACT Relating to accredited foreign branch campuses; and adding
2 a new chapter in Title 28B RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it has previously
5 declared in RCW 28B.107.005 that it is important to the economic future
6 of the state to promote international awareness and understanding, and
7 in RCW 1.20.100 and 28A.630.300, that the state's economy and economic
8 well-being depends heavily on foreign trade and international exchange.

9 The legislature finds that it is appropriate that such policies
10 should be implemented by encouraging accredited universities and
11 colleges domiciled in foreign countries to establish branch campuses in
12 Washington and that it is also important to those foreign colleges and
13 universities that their status as accredited foreign educational
14 institutions be recognized by this state to facilitate the
15 establishment and operation of such branch campuses.

16 In the furtherance of such policy, the legislature adopts the
17 accredited foreign university branch campus act.

1 NEW SECTION. **Sec. 2.** Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout this
3 chapter.

4 (1) "Degree" means any designation, appellation, certificate,
5 letters or words including, but not limited to, "associate,"
6 "bachelor," "masters," "doctorate," or "fellow" that signifies, or
7 purports to signify, satisfactory and successful completion of
8 requirements of a postsecondary academic program of study.

9 (2) "Foreign degree-granting institution" means a public or private
10 college or university, either profit or nonprofit, domiciled in a
11 foreign country that offers in its country of domicile credentials,
12 instruction, or services prerequisite to the obtaining of an academic
13 or professional degree granted by such college or university.

14 (3) "Accredited foreign degree-granting institution" means a
15 foreign degree-granting institution that one or more of the public
16 institutions of higher education in this state would consider to be
17 accredited when reviewing applications of the students for admission to
18 the foreign degree-granting institution.

19 (4) "Branch campus" means an educational facility located in the
20 state that:

21 (a) Is either owned and operated directly by an accredited foreign
22 degree-granting institution or indirectly through a Washington profit
23 or nonprofit corporation in which the accredited foreign degree-
24 granting institution is the sole or controlling shareholder or member;
25 and

26 (b) Provides courses solely and exclusively to students enrolled in
27 a degree-granting program offered by the accredited foreign degree-
28 granting institution who:

29 (i) Have received academic credit for courses of study completed at
30 the accredited foreign degree-granting institution in its country of
31 domicile;

32 (ii) Will receive academic credit towards their degree from the
33 accredited foreign degree-granting institution for the courses of study
34 completed at the educational facility in the state; and

35 (iii) Will return to the accredited foreign degree-granting
36 institution in its country of domicile for completion of their degree-
37 granting program or receipt of their degree.

38 (5) "Incorporated branch campus" means a branch campus operated by
39 an accredited foreign degree-granting institution through a Washington

1 profit or nonprofit corporation in which the accredited foreign degree-
2 granting institution is the sole or controlling shareholder or member.

3 (6) "Educational facility" means an entity that:

4 (a) Is a bona fide school with an established place of learning or
5 study in the state;

6 (b) Provides a specific curricula consisting of recognized courses
7 of study requiring not fewer than fifteen hours of class instruction
8 per week; and

9 (c) Employs the necessary personnel, and possesses the necessary
10 physical plant, equipment, and finances to instruct its students in the
11 required courses of study.

12 (7) "Board" means the higher education coordinating board.

13 NEW SECTION. **Sec. 3.** A branch campus of an accredited foreign
14 degree-granting institution is exempt from the requirements of chapter
15 28B.85 RCW. A branch campus of an accredited foreign degree-granting
16 institution that submits satisfactory evidence to the board of its
17 accredited status is entitled to operate a postsecondary school in the
18 state. Upon receipt of satisfactory evidence, the board shall issue a
19 certificate in the name of the accredited foreign degree-granting
20 institution, or in the name of its incorporated branch campus,
21 confirming that the branch campus is an educational institution
22 approved by the board to operate a postsecondary school in the state.

23 NEW SECTION. **Sec. 4.** In addition to those acts which are
24 specified in RCW 23B.15.010(2) and 24.03.305 (1) through (11), an
25 accredited foreign degree-granting institution that establishes an
26 incorporated branch campus in the state shall not be deemed to transact
27 business in the state solely because it:

28 (1) Owns and controls an incorporated branch campus in this state;

29 (2) Pays the expenses of tuition, or room and board charged by the
30 incorporated branch campus for its students enrolled at the branch
31 campus or contributes to the capital thereof; or

32 (3) Provides personnel who furnish assistance and counsel to its
33 students while in the state but who have no authority to enter into any
34 transactions for or on behalf of the accredited foreign degree-granting
35 institution.

1 NEW SECTION. **Sec. 5.** The services of employees of an accredited
2 foreign degree-granting institution who are nonimmigrant aliens under
3 the immigration laws of the United States, shall, for the purposes of
4 RCW 50.04.120 and 51.12.120, be considered to be localized or
5 principally localized, in the country of domicile of the accredited
6 foreign degree-granting institution in those instances where the income
7 of those employees would be exempt from taxation by virtue of the terms
8 and provisions of any treaty between the United States and the county
9 of domicile of the accredited foreign degree-granting institution.
10 Where no such treaty exists, an accredited foreign degree-granting
11 institution is not precluded from otherwise establishing that a
12 nonimmigrant employee's services are, for the purpose of such statutes,
13 principally located in its country of domicile.

14 NEW SECTION. **Sec. 6.** A branch campus of an accredited foreign
15 degree-granting institution is considered an accredited educational
16 institution for the purpose of the deduction of tuition fees provided
17 by RCW 82.04.170 in those instances where it, or its incorporated
18 branch campus is recognized as an organization exempt from income taxes
19 pursuant to 26 U.S.C. Sec. 501(c).

20 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act shall
21 constitute a new chapter in Title 28B RCW.

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