

2 SHB 1005 - S COMM AMD  
3 By Committee on Higher Education

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

9 (1) The legislature finds that:

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

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

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

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

25 (2) Therefore, the legislature intends to work with the Oregon  
26 legislature to create a pilot project that permits residents of  
27 Multnomah county and Washington county, Oregon, and Clark county and  
28 Cowlitz county, Washington, to pay resident tuition rates at public  
29 colleges and universities located in either county. In addition, the  
30 legislature intends to permit needy residents of Clark county and  
31 Cowlitz county to use their financial aid awards to study in accredited  
32 public and independent institutions of higher education and private  
33 career schools and colleges located in Multnomah county and Washington  
34 county, Oregon.

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

3        The border county higher education opportunity pilot project is  
4 created. The pilot project has two purposes. The first purpose is to  
5 permit certain residents of Clark county and Cowlitz county,  
6 Washington, and Multnomah county and Washington county, Oregon, to pay  
7 resident tuition rates when they attend a public college or university  
8 in either county. The second purpose is to permit needy resident  
9 students domiciled in those counties to use their state-funded  
10 financial aid awards when they attend an accredited public or  
11 independent institution of higher education or a private career school  
12 or college in either county.

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

15        (1) The higher education coordinating board shall administer  
16 Washington's participation in the border county higher education  
17 opportunity pilot project.

18        (2) The board shall permit eligible needy Washington residents  
19 domiciled in Clark county or Cowlitz county for at least one year  
20 before enrollment to use their state need grant awards when the  
21 students are enrolled in eligible career schools and colleges located  
22 in Multnomah county or Washington county, Oregon, and their state need  
23 grant and work study awards when the students are enrolled in eligible  
24 public or independent institutions of higher education located in  
25 Multnomah county or Washington county, Oregon. The board may adopt  
26 rules to establish eligibility criteria for student and institutional  
27 participation in the pilot project.

28        (3) By November 30, 2000, the board shall report to the governor  
29 and appropriate committees of the legislature on the results of the  
30 pilot project and on tuition reciprocity programs. The report shall  
31 include a recommendation on the extent to which tuition reciprocity and  
32 financial aid portability programs 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:

1 (1) A resident of Oregon, residing in Multnomah county or  
2 Washington county, who meets the following conditions:

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

8 (b) The student shall be enrolled either in a public institution of  
9 higher education located in Clark county or Cowlitz county, Washington,  
10 or in a program offered in Clark county or Cowlitz county, Washington,  
11 by a public institution of higher education as defined in RCW  
12 28B.10.016; or

13 (2) A resident of Washington, residing in Clark county or Cowlitz  
14 county, who meets the conditions of RCW 28B.15.013 and the following  
15 additional conditions:

16 (a) If the student is financially independent, the student shall  
17 have had a domicile in Clark county or Cowlitz county, Washington for  
18 at least ninety days immediately prior to the beginning of the first  
19 day of the academic term for which the student is registered, and shall  
20 have established a bona fide domicile in this state primarily for  
21 purposes other than educational;

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

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

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

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

35 Whenever used in chapter 28B.15 RCW:

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

1       (2) The term "resident student" shall mean: (a) A financially  
2 independent student who has had a domicile in the state of Washington  
3 for the period of one year immediately prior to the time of  
4 commencement of the first day of the semester or quarter for which the  
5 student has registered at any institution and has in fact established  
6 a bona fide domicile in this state primarily for purposes other than  
7 educational; (b) a dependent student, if one or both of the student's  
8 parents or legal guardians have maintained a bona fide domicile in the  
9 state of Washington for at least one year immediately prior to  
10 commencement of the semester or quarter for which the student has  
11 registered at any institution; (c) a student classified as a resident  
12 based upon domicile by an institution on or before May 31, 1982, who  
13 was enrolled at a state institution during any term of the 1982-1983  
14 academic year, so long as such student's enrollment (excepting summer  
15 sessions) at an institution in this state is continuous; (d) any  
16 student who has spent at least seventy-five percent of both his or her  
17 junior and senior years in high schools in this state, whose parents or  
18 legal guardians have been domiciled in the state for a period of at  
19 least one year within the five-year period before the student graduates  
20 from high school, and who enrolls in a public institution of higher  
21 education within six months of leaving high school, for as long as the  
22 student remains continuously enrolled for three quarters or two  
23 semesters in any calendar year; (e) a student who is the spouse or a  
24 dependent of a person who is on active military duty stationed in the  
25 state; or (f) a student who meets the requirements of RCW 28B.15.0131  
26 or section 4 of this act: PROVIDED, That a nonresident student  
27 enrolled for more than six hours per semester or quarter shall be  
28 considered as attending for primarily educational purposes, and for  
29 tuition and fee paying purposes only such period of enrollment shall  
30 not be counted toward the establishment of a bona fide domicile of one  
31 year in this state unless such student proves that the student has in  
32 fact established a bona fide domicile in this state primarily for  
33 purposes other than educational.

34       (3) The term "nonresident student" shall mean any student who does  
35 not qualify as a "resident student" under the provisions of RCW  
36 28B.15.012 and 28B.15.013. A nonresident student shall include:

37       (a) A student attending an institution with the aid of financial  
38 assistance provided by another state or governmental unit or agency  
39 thereof, such nonresidency continuing for one year after the completion

1 of such semester or quarter. This condition shall not apply to  
2 students from Multnomah county or Washington county, Oregon  
3 participating in the border county pilot project under sections 1  
4 through 4 of this act.

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

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

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

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

29 (1) Washington residents attending any nonprofit college or  
30 university in another state which has a reciprocity agreement with the  
31 state of Washington shall be eligible for the student financial aid  
32 program outlined in RCW 28B.10.800 through 28B.10.824 if (1) they  
33 qualify as a "needy student" under RCW 28B.10.802(3), and (2) the  
34 institution attended is a member institution of an accrediting  
35 association recognized by rule of the higher education coordinating  
36 board for the purposes of this section and is specifically encompassed  
37 within or directly affected by such reciprocity agreement and agrees to

1 and complies with program rules and regulations pertaining to such  
2 students and institutions adopted pursuant to RCW 28B.10.822.

3 (2) Students participating in the pilot project under sections 2  
4 through 4 of this act are eligible for the student financial aid  
5 programs outlined in RCW 28B.10.800 through 28B.10.824 and chapter  
6 28B.12 RCW only if the students:

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

10 (b) Have been domiciled in Clark county or Cowlitz county,  
11 Washington for a minimum of one year immediately before enrolling in an  
12 eligible institution of higher education located in Multnomah county or  
13 Washington county, Oregon;

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

15 (d) Are enrolled at an eligible institution of higher education, as  
16 defined by the board under section 3 of this act, that is located in  
17 Multnomah county or Washington county, Oregon.

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

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

21 (1) "Institutions of higher education" shall mean ~~((+1))~~ (a) any  
22 public university, college, community college, or vocational-technical  
23 institute operated by the state of Washington or any political  
24 subdivision thereof (~~or (2)~~); (b) until June 30, 2001, and for the  
25 sole purpose of sections 2 through 4 of this act, any institution of  
26 higher education or private career school or college located in  
27 Multnomah county or Washington county, Oregon, that meets the  
28 eligibility requirements established by the board under section 3 of  
29 this act; or (c) any other university, college, school, or institute in  
30 the state of Washington offering instruction beyond the high school  
31 level which is a member institution of an accrediting association  
32 recognized by rule of the board for the purposes of this section:  
33 PROVIDED, That any institution, branch, extension or facility operating  
34 within the state of Washington which is affiliated with an institution  
35 operating in another state must be a separately accredited member  
36 institution of any such accrediting association: PROVIDED FURTHER,  
37 That no institution of higher education shall be eligible to  
38 participate in a student financial aid program unless it agrees to and

1 complies with program rules and regulations adopted pursuant to RCW  
2 28B.10.822.

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

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

12 (4) The term "disadvantaged student" shall mean a post high school  
13 student who by reason of adverse cultural, educational, environmental,  
14 experiential, familial or other circumstances is unable to qualify for  
15 enrollment as a full time student in an institution of higher learning,  
16 who would otherwise qualify as a needy student, and who is attending an  
17 institution of higher learning under an established program designed to  
18 qualify the student for enrollment as a full time student.

19 (5) "Commission" or "board" shall mean the higher education  
20 coordinating board.

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

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

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

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

1        NEW SECTION.    **Sec. 9.**    This act takes effect at the beginning of  
2 the academic term following the enactment of legislation in Oregon that  
3 permits Washington residents to pay resident tuition rates at public  
4 institutions of higher education located in Multnomah county or  
5 Washington county, Oregon, if the Washington residents have been  
6 domiciled in Clark county or Cowlitz county for at least ninety  
7 consecutive days immediately before the first day of enrollment in  
8 public institutions of higher education located in Multnomah county or  
9 Washington county, Oregon.

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

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