

2 **E2SHB 2605** - S COMM AMD (S5608.1)
3 By Committee on Higher Education

4 ADOPTED AS AMENDED 3/4/94

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

7 "**Sec. 1.** RCW 28B.15.725 and 1993 sp.s. c 18 s 26 are each amended
8 to read as follows:

9 Subject to the limitations of RCW 28B.15.910, the governing boards
10 of the state universities, the regional universities, and The Evergreen
11 State College may enter into undergraduate (~~upper division~~) student
12 exchange agreements with (~~comparable public four-year~~) institutions
13 of higher education of other states and agree to exempt participating
14 undergraduate (~~upper division~~) students from payment of all or a
15 portion of the nonresident tuition fees differential subject to the
16 following restrictions:

17 (1) In any given academic year, the number of students receiving a
18 waiver at a state institution shall not exceed the number of that
19 institution's students receiving nonresident tuition waivers at
20 participating out-of-state institutions. Waiver imbalances that may
21 occur in one year shall be off-set in the year immediately following.

22 (2) Undergraduate (~~upper division~~) student participation in an
23 exchange program authorized by this section is limited to one academic
24 year.

25 **Sec. 2.** 1989 c 290 s 1 (uncodified) is amended to read as follows:

26 The legislature recognizes that a unique educational experience can
27 result from an undergraduate (~~upper division~~) student attending an
28 out-of-state institution. It also recognizes that some Washington
29 residents may be unable to pursue such out-of-state enrollment owing to
30 their limited financial resources and the higher cost of nonresident
31 tuition. The legislature intends to facilitate expanded nonresident
32 undergraduate (~~upper division~~) enrollment opportunities for residents
33 of the state by authorizing the governing boards of the four-year
34 institutions of higher education to enter into exchange programs with
35 other states' (~~comparable public four-year~~) institutions with

1 comparable programs wherein the participating institutions agree that
2 visiting undergraduate (~~upper division~~) students will pay resident
3 tuition rates of the host institutions.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.15 RCW
5 to read as follows:

6 For the purposes of determining resident tuition rates, resident
7 students shall include American Indian students who meet two
8 conditions. First, for a period of one year immediately before
9 enrollment in a state institution of higher education as defined in RCW
10 28B.10.016, the student must have been domiciled in one or a
11 combination of the following states: Idaho; Montana; Oregon; or
12 Washington. Second, the students must be members of one of the
13 following American Indian tribes whose traditional and customary tribal
14 boundaries included portions of the state of Washington, or whose tribe
15 was granted reserved lands within the state of Washington:

- 16 (1) Colville Confederated Tribes;
- 17 (2) Confederated Tribes of the Chehalis Reservation;
- 18 (3) Hoh Indian Tribe;
- 19 (4) Jamestown S'Klallam Tribe;
- 20 (5) Kalispel Tribe of Indians;
- 21 (6) Lower Elwha Klallam Tribe;
- 22 (7) Lummi Nation;
- 23 (8) Makah Indian Tribe;
- 24 (9) Muckleshoot Indian Tribe;
- 25 (10) Nisqually Indian Tribe;
- 26 (11) Nooksack Indian Tribe;
- 27 (12) Port Gamble S'Klallam Community;
- 28 (13) Puyallup Tribe of Indians;
- 29 (14) Quileute Tribe;
- 30 (15) Quinault Indian Nation;
- 31 (16) Confederated Tribes of Salish Kootenai;
- 32 (17) Sauk Suiattle Indian Nation;
- 33 (18) Shoalwater Bay Indian Tribe;
- 34 (19) Skokomish Indian Tribe;
- 35 (20) Snoqualmie Tribe;
- 36 (21) Spokane Tribe of Indians;
- 37 (22) Squaxin Island Tribe;
- 38 (23) Stillaguamish Tribe;

- 1 (24) Suquamish Tribe of the Port Madison Reservation;
2 (25) Swinomish Indian Community;
3 (26) Tulalip Tribes;
4 (27) Upper Skagit Indian Tribe;
5 (28) Yakama Indian Nation;
6 (29) Coeur d'Alene Tribe;
7 (30) Confederated Tribes of the Umatilla Indian Reservation;
8 (31) Confederated Tribes of Warm Springs;
9 (32) Kootenai Tribe; and
10 (33) Nez Perce Tribe.

11 Any student enrolled at a state institution of higher education as
12 defined in RCW 28B.10.016 who is paying resident tuition under this
13 section, and who has not established domicile in the state of
14 Washington at least one year before enrollment, shall not be included
15 in any calculation of state-funded enrollment for budgeting purposes,
16 and no state general fund moneys shall be appropriated to a state
17 institution of higher education for the support of such student.

18 **Sec. 4.** RCW 28B.15.012 and 1993 sp.s. c 18 s 4 are each amended to
19 read as follows:

20 Whenever used in chapter 28B.15 RCW:

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

23 (2) The term "resident student" shall mean: (a) A financially
24 independent student who has had a domicile in the state of Washington
25 for the period of one year immediately prior to the time of
26 commencement of the first day of the semester or quarter for which the
27 student has registered at any institution and has in fact established
28 a bona fide domicile in this state primarily for purposes other than
29 educational; (b) a dependent student, if one or both of the student's
30 parents or legal guardians have maintained a bona fide domicile in the
31 state of Washington for at least one year immediately prior to
32 commencement of the semester or quarter for which the student has
33 registered at any institution; (c) a student classified as a resident
34 based upon domicile by an institution on or before May 31, 1982, who
35 was enrolled at a state institution during any term of the 1982-1983
36 academic year, so long as such student's enrollment (excepting summer
37 sessions) at an institution in this state is continuous; (d) any
38 student who has spent at least seventy-five percent of both his or her

1 junior and senior years in high schools in this state, whose parents or
2 legal guardians have been domiciled in the state for a period of at
3 least one year within the five-year period before the student graduates
4 from high school, and who enrolls in a public institution of higher
5 education within six months of leaving high school, for as long as the
6 student remains continuously enrolled for three quarters or two
7 semesters in any calendar year; ~~((or))~~ (e) a student who is the spouse
8 or a dependent of a person who is on active military duty stationed in
9 the state; or (f) a student who meets the requirements of section 3 of
10 this act: PROVIDED, That a nonresident student enrolled for more than
11 six hours per semester or quarter shall be considered as attending for
12 primarily educational purposes, and for tuition and fee paying purposes
13 only such period of enrollment shall not be counted toward the
14 establishment of a bona fide domicile of one year in this state unless
15 such student proves that the student has in fact established a bona
16 fide domicile in this state primarily for purposes other than
17 educational.

18 (3) The term "nonresident student" shall mean any student who does
19 not qualify as a "resident student" under the provisions of RCW
20 28B.15.012 and 28B.15.013. 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.

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

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

1 (5) The term "dependent" shall mean a person who is not financially
2 independent. Factors to be considered in determining whether a person
3 is financially independent shall be set forth in rules and regulations
4 adopted by the higher education coordinating board and shall include,
5 but not be limited to, the state and federal income tax returns of the
6 person and/or the student's parents or legal guardian filed for the

1 calendar year prior to the year in which application is made and such
2 other evidence as the board may require.

3 **Sec. 5.** RCW 28B.50.839 and 1993 c 87 s 2 are each amended to read
4 as follows:

5 (1) In consultation with eligible community and technical colleges,
6 the college board shall set priorities and guidelines for the program.

7 (2) Under this section, a college shall not receive more than four
8 faculty grants in twenty-five thousand dollar increments, with a
9 maximum total of one hundred thousand dollars per campus in any
10 biennium.

11 (3) All community and technical colleges and foundations shall be
12 eligible for matching trust funds. Institutions and foundations may
13 apply to the college board for grants from the fund in twenty-five
14 thousand dollar increments up to a maximum of one hundred thousand
15 dollars when they can match the state funds with equal cash donations
16 from private sources, except that in the initial year of the program,
17 no college or foundation may receive more than one grant until every
18 college or its foundation has received one grant. These donations
19 shall be made specifically to the exceptional faculty awards program
20 and deposited by the institution or foundation in a local endowment
21 fund or a foundation's fund. Otherwise unrestricted gifts may be
22 deposited in the endowment fund by the institution or foundation.

23 (4) Once sufficient private donations are received by the
24 institution or foundation, the institution shall inform the college
25 board and request state matching funds. The college board shall
26 evaluate the request for state matching funds based on program
27 priorities and guidelines. The college board may ask the state
28 treasurer to release the state matching funds to a local endowment fund
29 established by the institution or a foundation's fund established by a
30 foundation for each faculty award created.

31 (5) A college, by action of its board of trustees, may transfer
32 those exceptional faculty award funds accumulated in its local
33 endowment fund between July 1, 1991, and July 25, 1993, to its
34 foundation's local endowment fund established as provided in subsection
35 (3) of this section.

36 **Sec. 6.** RCW 28A.600.110 and 1988 c 210 s 4 are each amended to
37 read as follows:

1 There is established by the legislature of the state of Washington
2 the Washington state scholars program. The purposes of this program
3 annually are to:

4 (1) Provide for the selection of three seniors residing in each
5 legislative district in the state graduating from high schools (~~in~~
6 ~~each legislative district~~) who have distinguished themselves
7 academically among their peers.

8 (2) Maximize public awareness of the academic achievement,
9 leadership ability, and community contribution of Washington state
10 public and private high school seniors through appropriate recognition
11 ceremonies and events at both the local and state level.

12 (3) Provide a listing of the Washington scholars to all Washington
13 state public and private colleges and universities to facilitate
14 communication regarding academic programs and scholarship availability.

15 (4) Make available a state level mechanism for utilization of
16 private funds for scholarship awards to outstanding high school
17 seniors.

18 (5) Provide, on written request and with student permission, a
19 listing of the Washington scholars to private scholarship selection
20 committees for notification of scholarship availability.

21 (6) Permit a waiver of tuition and services and activities fees as
22 provided for in RCW 28B.15.543 and grants under RCW 28B.80.245."

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26 On page 1, line 1 of the title, after "education;" strike the
27 remainder of the title and insert "amending RCW 28B.15.725,
28 28B.15.012, 28B.50.839, and 28A.600.110; amending 1989 c 290 s 1
29 (uncodified); and adding a new section to chapter 28B.15 RCW."

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