
ENGROSSED SENATE BILL 6044

State of Washington

53rd Legislature

1994 Regular Session

By Senators Bauer, Prentice and Sheldon; by request of Washington State University

Read first time 01/10/94. Referred to Committee on Higher Education.

1 AN ACT Relating to residency of Native Americans for purposes of
2 higher education tuition; amending RCW 28B.15.012; adding a new section
3 to chapter 28B.15 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.15 RCW
6 to read as follows:

7 Persons who are members of the following tribes, who are domiciled
8 in the state of Washington, Oregon, Idaho, or Montana within the
9 traditional and customary tribal boundaries, shall be considered
10 Washington state residents for purposes of tuition at institutions of
11 higher education: Members of the following Native American tribes,
12 whose traditional and customary tribal boundaries included portions of
13 the state of Washington, or whose tribe was granted reserved lands
14 within the state of Washington:

- 15 (1) Colville Confederated Tribes;
16 (2) Confederated Tribes of the Chehalis Reservation;
17 (3) Hoh Indian Tribe;
18 (4) Jamestown S'Klallam Tribe;
19 (5) Kalispel Tribe of Indians;

- 1 (6) Lower Elwha Klallam Tribe;
- 2 (7) Lummi Nation;
- 3 (8) Makah Indian Tribe;
- 4 (9) Muckleshoot Indian Tribe;
- 5 (10) Nisqually Indian Tribe;
- 6 (11) Nooksack Indian Tribe;
- 7 (12) Port Gamble S'Klallam Community;
- 8 (13) Puyallup Tribe of Indians;
- 9 (14) Quileute Tribe;
- 10 (15) Quinault Indian Nation;
- 11 (16) Confederated Tribes of Salish Kootenai;
- 12 (17) Sauk Suiattle Indian Nation;
- 13 (18) Shoalwater Bay Indian Tribe;
- 14 (19) Skokomish Indian Tribe;
- 15 (20) Snoqualmie Tribe;
- 16 (21) Spokane Tribe of Indians;
- 17 (22) Squaxin Island Tribe;
- 18 (23) Stillaguamish Tribe;
- 19 (24) Suquamish Tribe of the Port Madison Reservation;
- 20 (25) Swinomish Indian Community;
- 21 (26) Tulalip Tribes;
- 22 (27) Upper Skagit Indian Tribe;
- 23 (28) Yakima Indian Nation;
- 24 (29) Coeur d'Alene Tribe;
- 25 (30) Confederated Tribes of the Umatilla Indian Reservation;
- 26 (31) Confederated Tribes of Warm Springs;
- 27 (32) Kootenai Tribe; and
- 28 (33) Nez Perce Tribe.

29 **Sec. 2.** RCW 28B.15.012 and 1993 sp.s. c 18 s 4 are each amended to
30 read as follows:

31 Whenever used in chapter 28B.15 RCW:

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

34 (2) The term "resident student" shall mean: (a) A financially
35 independent student who has had a domicile in the state of Washington
36 for the period of one year immediately prior to the time of
37 commencement of the first day of the semester or quarter for which the

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

33 (a) A student attending an institution with the aid of financial
34 assistance provided by another state or governmental unit or agency
35 thereof, such nonresidency continuing for one year after the completion
36 of such semester or quarter.

37 (b) A person who is not a citizen of the United States of America
38 who does not have permanent or temporary resident status or does not
39 hold "Refugee-Parolee" or "Conditional Entrant" status with the United

1 States immigration and naturalization service or is not otherwise
2 permanently residing in the United States under color of law and who
3 does not also meet and comply with all the applicable requirements in
4 RCW 28B.15.012 and 28B.15.013.

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

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

20 NEW SECTION. **Sec. 3.** Any student enrolled at a state institution
21 of higher education who is paying resident tuition through this act,
22 and who has not established domicile in the state of Washington at
23 least one year prior to enrollment, shall not be included in any
24 calculation of state funded enrollment for budgeting purposes, and no
25 state general fund moneys shall be appropriated to a state institution
26 of higher education for the support of such student.

--- END ---