

2 EHB 1647 - S COMM AMD
3 By Committee on Higher Education

4 ADOPTED 4/14/97

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 provide for diverse educational opportunities at the state's
9 institutions of higher education and to facilitate student
10 participation in educational exchanges with institutions outside the
11 state of Washington. To accomplish this, this act establishes a home
12 tuition program allowing students at Washington state institutions of
13 higher education to take advantage of out-of-state and international
14 educational opportunities while paying an amount equal to their
15 regularly charged tuition and required fees.

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

18 Whenever used in chapter 28B.15 RCW:

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

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

22 (a) A financially independent student who has had a domicile in the
23 state of Washington for the period of one year immediately prior to the
24 time of commencement of the first day of the semester or quarter for
25 which the student has registered at any institution and has in fact
26 established a bona fide domicile in this state primarily for purposes
27 other than educational;

28 (b) A dependent student, if one or both of the student's parents or
29 legal guardians have maintained a bona fide domicile in the state of
30 Washington for at least one year immediately prior to commencement of
31 the semester or quarter for which the student has registered at any
32 institution;

33 (c) A student classified as a resident based upon domicile by an
34 institution on or before May 31, 1982, who was enrolled at a state
35 institution during any term of the 1982-1983 academic year, so long as

1 such student's enrollment (excepting summer sessions) at an institution
2 in this state is continuous;

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

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

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

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

24 (3) The term "nonresident student" shall mean any student who does
25 not qualify as a "resident student" under the provisions of RCW
26 28B.15.012 and 28B.15.013. Except for students qualifying under
27 subsection (2)(f) of this section, a nonresident student shall include:

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

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

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

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

16 **Sec. 3.** RCW 28B.15.014 and 1993 sp.s. c 18 s 5 are each amended to
17 read as follows:

18 Subject to the limitations of RCW 28B.15.910, the governing boards
19 of the state universities, the regional universities, The Evergreen
20 State College, and the community colleges may exempt the following
21 nonresidents from paying all or a portion of the nonresident tuition
22 fees differential:

23 (1) Any person who resides in the state of Washington and who holds
24 a graduate service appointment designated as such by a public
25 institution of higher education or is employed for an academic
26 department in support of the instructional or research programs
27 involving not less than twenty hours per week during the term such
28 person shall hold such appointment.

29 (2) Any faculty member, classified staff member or administratively
30 exempt employee holding not less than a half time appointment at an
31 institution who resides in the state of Washington, and the dependent
32 children and spouse of such persons.

33 (3) Active-duty military personnel stationed in the state of
34 Washington.

35 (4) Any immigrant refugee and the spouse and dependent children of
36 such refugee, if the refugee (a) is on parole status, or (b) has
37 received an immigrant visa, or (c) has applied for United States
38 citizenship.

1 (5) (~~Domestic exchange students participating in the program~~
2 ~~created under RCW 28B.15.725.~~

3 ~~(6))~~ Any dependent of a member of the United States congress
4 representing the state of Washington.

5 **Sec. 4.** RCW 28B.15.725 and 1994 c 234 s 1 are each amended to read
6 as follows:

7 (~~Subject to the limitations of RCW 28B.15.910,~~) (1) The governing
8 boards of the state universities, the regional universities, and The
9 Evergreen State College may (~~enter into undergraduate student~~
10 ~~exchange~~) establish home tuition programs by negotiating home tuition
11 agreements with an out-of-state institution or consortium of
12 institutions of higher education ((of other states and agree to exempt
13 participating undergraduate students from payment of all or a portion
14 of the nonresident tuition fees differential subject to the following
15 restrictions:

16 (1) ~~In any given academic year, the number of students receiving a~~
17 ~~waiver at a state institution shall not exceed the number of that~~
18 ~~institution's students receiving nonresident tuition waivers at~~
19 ~~participating out-of-state institutions. Waiver imbalances that may~~
20 ~~occur in one year shall be off set in the year immediately following))~~
21 if no loss of tuition and fee revenue occurs as a result of the
22 agreements.

23 (2) (~~Undergraduate~~) Home tuition agreements allow students at
24 Washington state institutions of higher education to attend an out-of-
25 state institution of higher education as part of a student exchange.
26 Students participating in a home tuition program shall pay an amount
27 equal to their regular, full-time tuition and required fees to either
28 the Washington institution of higher education or the out-of-state
29 institution of higher education depending upon the provisions of the
30 particular agreement. Payment of course fees in excess of generally
31 applicable tuition and required fees must be addressed in each home
32 tuition agreement to ensure that the instructional programs of the
33 Washington institution of higher education do not incur additional
34 uncompensated costs as a result of the exchange.

35 (3) Student participation in ((an exchange program)) a home tuition
36 agreement authorized by this section is limited to one academic year.

37 (4) Students enrolled under a home tuition agreement shall reside
38 in Washington state for the duration of the program, may not use the

1 year of enrollment under this program to establish Washington state
2 residency, and are not eligible for state financial aid.

3 **Sec. 5.** RCW 28B.15.910 and 1993 sp.s. c 18 s 31 are each amended
4 to read as follows:

5 (1) Except for revenue waived under programs listed in subsection
6 (3) of this section, and unless otherwise expressly provided in the
7 omnibus state appropriations act, the total amount of operating fees
8 revenue waived, exempted, or reduced by a state university, a regional
9 university, The Evergreen State College, or the community colleges as
10 a whole, shall not exceed the percentage of total gross authorized
11 operating fees revenue set forth below. As used in this section,
12 "gross authorized operating fees revenue" means the estimated gross
13 operating fees revenue as estimated under RCW 82.33.020 or as revised
14 by the office of financial management, before granting any waivers.
15 This limitation applies to all tuition waiver programs established
16 before or after July 1, 1992.

17	(a) University of Washington	21 percent
18	(b) Washington State University	20 percent
19	(c) Eastern Washington University	11 percent
20	(d) Central Washington University	8 percent
21	(e) Western Washington University	10 percent
22	(f) The Evergreen State College	6 percent
23	(g) Community colleges as a whole	35 percent

24 (2) The limitations in subsection (1) of this section apply to
25 waivers, exemptions, or reductions in operating fees contained in the
26 following:

- 27 (a) RCW 28B.10.265;
- 28 (b) RCW 28B.15.014;
- 29 (c) RCW 28B.15.100;
- 30 (d) RCW 28B.15.225;
- 31 (e) RCW 28B.15.380;
- 32 (f) Ungraded courses under RCW 28B.15.502(4);
- 33 (g) RCW 28B.15.520;
- 34 (h) RCW 28B.15.526;
- 35 (i) RCW 28B.15.527;
- 36 (j) RCW 28B.15.543;
- 37 (k) RCW 28B.15.545;
- 38 (l) RCW 28B.15.555;

1 (m) RCW 28B.15.556;
2 (n) RCW 28B.15.615;
3 (o) RCW 28B.15.620;
4 (p) RCW 28B.15.628;
5 (q) (~~(RCW 28B.15.725;~~
6 ~~(r))~~) RCW 28B.15.730;
7 (~~(s))~~ (r) RCW 28B.15.740;
8 (~~(t))~~ (s) RCW 28B.15.750;
9 (~~(u))~~ (t) RCW 28B.15.756;
10 (~~(v))~~ (u) RCW 28B.50.259;
11 (~~(w))~~ (v) RCW 28B.70.050; and
12 (~~(x))~~ (w) RCW 28B.80.580.

13 (3) The limitations in subsection (1) of this section do not apply
14 to waivers, exemptions, or reductions in services and activities fees
15 contained in the following:

16 (a) RCW 28B.15.522;
17 (b) RCW 28B.15.535;
18 (c) RCW 28B.15.540; and
19 (d) RCW 28B.15.558.

20 NEW SECTION. **Sec. 6.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected."

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26 ADOPTED 4/14/97

27 On page 1, line 1 of the title, after "education;" strike the
28 remainder of the title and insert "amending RCW 28B.15.012, 28B.15.014,
29 28B.15.725, and 28B.15.910; and creating a new section."

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