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SECOND SUBSTITUTE HOUSE BILL 2377

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State of Washington                      55th Legislature                      1998 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Dunn and Carlson)

Read first time 02/07/98. Referred to Committee on .

1            AN ACT Relating to the definition of resident student; amending RCW  
2 28B.15.012 and 28B.15.014; and creating new sections.

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

4            **Sec. 1.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read  
5 as follows:

6            Whenever used in chapter 28B.15 RCW:

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

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

10            (a) A financially independent student who has had a domicile in the  
11 state of Washington for the period of one year immediately prior to the  
12 time of commencement of the first day of the semester or quarter for  
13 which the student has registered at any institution and has in fact  
14 established a bona fide domicile in this state primarily for purposes  
15 other than educational;

16            (b) A dependent student, if one or both of the student's parents or  
17 legal guardians have maintained a bona fide domicile in the state of  
18 Washington for at least one year immediately prior to commencement of

1 the semester or quarter for which the student has registered at any  
2 institution;

3 (c) A student classified as a resident based upon domicile by an  
4 institution on or before May 31, 1982, who was enrolled at a state  
5 institution during any term of the 1982-1983 academic year, so long as  
6 such student's enrollment (excepting summer sessions) at an institution  
7 in this state is continuous;

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

16 (e) (~~(A student who is the spouse or a dependent of a person who is~~  
17 ~~on active military duty stationed in the state)) Active duty military  
18 personnel stationed in the state and their spouses and dependents;~~

19 (f) Reserve component military personnel in an active drilling  
20 status in a unit located in Washington;

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

24 (~~(+g))~~ (h) A student who meets the requirements of RCW  
25 28B.15.0131: PROVIDED, That a nonresident student enrolled for more  
26 than six hours per semester or quarter shall be considered as attending  
27 for primarily educational purposes, and for tuition and fee paying  
28 purposes only such period of enrollment shall not be counted toward the  
29 establishment of a bona fide domicile of one year in this state unless  
30 such student proves that the student has in fact established a bona  
31 fide domicile in this state primarily for purposes other than  
32 educational.

33 (3) The term "nonresident student" shall mean any student who does  
34 not qualify as a "resident student" under the provisions of RCW  
35 28B.15.012 and 28B.15.013. Except for students qualifying under  
36 subsection (2)(~~(+f))~~(g) of this section, a nonresident student shall  
37 include:

38 (a) A student attending an institution with the aid of financial  
39 assistance provided by another state or governmental unit or agency

1 thereof, such nonresidency continuing for one year after the completion  
2 of such semester or quarter.

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

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

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

25 **Sec. 2.** RCW 28B.15.014 and 1997 c 433 s 3 are each amended to read  
26 as follows:

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

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

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

5 (~~(3) ((Active-duty military personnel stationed in the state of  
6 Washington.~~

7 (~~4~~)) Any immigrant refugee and the spouse and dependent children  
8 of such refugee, if the refugee (a) is on parole status, or (b) has  
9 received an immigrant visa, or (c) has applied for United States  
10 citizenship.

11 (~~(5)~~) (4) Any dependent of a member of the United States congress  
12 representing the state of Washington.

13 NEW SECTION. **Sec. 3.** The legislature finds that policies  
14 regarding student residency requirements for tuition paying purposes  
15 need to be reviewed in the context of recent student demographics and  
16 enrollment trends.

17 NEW SECTION. **Sec. 4.** By October 1, 1998, the higher education  
18 coordinating board, in cooperation with the institutions of higher  
19 education, shall review the state policies regarding student residency  
20 requirements for tuition paying purposes. By October 1, 1998, the  
21 board shall make recommendations to the governor and the legislature  
22 regarding student residency policies.

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