

2 SSB 5215 - H AMD 0160 WITHDRAWN 04/08/99
3 By Representatives Kenney and Carlson

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5 On page 3, after line 6, insert the following:

6 "Sec. 4. RCW 28B.15.012 and 1997 c 433 s 2 are each amended to
7 read as follows:

8 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

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

1 (e) A student who is on active military duty stationed in the
2 state;

3 (f) A student who is the spouse or a dependent of a person who is
4 on active military duty stationed in the state;

5 (~~(f)~~) (g) A student of an out-of-state institution of higher
6 education who is attending a Washington state institution of higher
7 education pursuant to a home tuition agreement as described in RCW
8 28B.15.725; or

9 (~~(g)~~) (h) A student who meets the requirements of RCW
10 28B.15.0131: PROVIDED, That a nonresident student enrolled for more
11 than six hours per semester or quarter shall be considered as attending
12 for primarily educational purposes, and for tuition and fee paying
13 purposes 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. Except for students qualifying under
21 subsection (2)(~~(f)~~) (g) of this section, a nonresident student shall
22 include:

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

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

34 (4) The term "domicile" shall denote a person's true, fixed and
35 permanent home and place of habitation. It is the place where the
36 student intends to remain, and to which the student expects to return
37 when the student leaves without intending to establish a new domicile
38 elsewhere. The burden of proof that a student, parent or guardian has

1 established a domicile in the state of Washington primarily for
2 purposes other than educational lies with the student.

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

11 **Sec. 5.** RCW 28B.15.014 and 1997 c 433 s 3 are each amended to read
12 as follows:

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

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

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

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

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

34 ~~((+5))~~ (4) Any dependent of a member of the United States congress
35 representing the state of Washington."

36 Renumber the remaining section consecutively and correct any
37 internal references accordingly.

1 Correct the title.

EFFECT: Students on active military duty stationed in the state are defined as residents for tuition paying purposes.

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