

2 **SSB 5330** - H COMM AMD **FAILED 3-1-00**  
3 By Committee on Higher Education

4

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

7 "**Sec. 1.** RCW 28B.15.012 and 1999 c 320 s 5 are each amended to  
8 read as follows:

9 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

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

1       (e) A student who is on active military duty stationed in the state  
2 or who, within the last year, is discharged or retired from active  
3 military duty in the state;

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

6       (~~(f)~~) (g) A student of an out-of-state institution of higher  
7 education who is attending a Washington state institution of higher  
8 education pursuant to a home tuition agreement as described in RCW  
9 28B.15.725; or

10       (~~(g)~~) (h) A student who meets the requirements of RCW 28B.15.0131  
11 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more  
12 than six hours per semester or quarter shall be considered as attending  
13 for primarily educational purposes, and for tuition and fee paying  
14 purposes only such period of enrollment shall not be counted toward the  
15 establishment of a bona fide domicile of one year in this state unless  
16 such student proves that the student has in fact established a bona  
17 fide domicile in this state primarily for purposes other than  
18 educational.

19       (3) The term "nonresident student" shall mean any student who does  
20 not qualify as a "resident student" under the provisions of RCW  
21 28B.15.012 and 28B.15.013. Except for students qualifying under  
22 subsection (2)(~~(f)~~) (g) of this section, a nonresident student shall  
23 include:

24       (a) A student attending an institution with the aid of financial  
25 assistance provided by another state or governmental unit or agency  
26 thereof, such nonresidency continuing for one year after the completion  
27 of such semester or quarter. This condition shall not apply to  
28 students from Columbia, Multnomah, Clatsop, or Washington county,  
29 Oregon participating in the border county pilot project under RCW  
30 28B.80.806, 28B.80.807, and 28B.15.0139.

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

38       (4) The term "domicile" shall denote a person's true, fixed and  
39 permanent home and place of habitation. It is the place where the

1 student intends to remain, and to which the student expects to return  
2 when the student leaves without intending to establish a new domicile  
3 elsewhere. The burden of proof that a student, parent or guardian has  
4 established a domicile in the state of Washington primarily for  
5 purposes other than educational lies with the student.

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

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

16 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

36 (d) Any student who has spent at least seventy-five percent of both  
37 his or her junior and senior years in high schools in this state, whose  
38 parents or legal guardians have been domiciled in the state for a

1 period of at least one year within the five-year period before the  
2 student graduates from high school, and who enrolls in a public  
3 institution of higher education within six months of leaving high  
4 school, for as long as the student remains continuously enrolled for  
5 three quarters or two semesters in any calendar year;

6 (e) A student who is on active military duty stationed in the state  
7 or who, within the last year, is discharged or retired from active  
8 military duty in the state;

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

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

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

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

33 (b) A person who is not a citizen of the United States of America  
34 who does not have permanent or temporary resident status or does not  
35 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
36 States immigration and naturalization service or is not otherwise  
37 permanently residing in the United States under color of law and who  
38 does not also meet and comply with all the applicable requirements in  
39 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 1997 c 433 s 3 are each amended to read  
17 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  
36 of 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)~~) (4) Any dependent of a member of the United States congress  
2 representing the state of Washington.

3        NEW SECTION.    **Sec. 4.**    Section 1 of this act expires June 30, 2002.

4        NEW SECTION.    **Sec. 5.**    Section 2 of this act takes effect June 30,  
5 2002."

6        Correct the title.

--- END ---