

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1079

Chapter 95, Laws of 2003

(partial veto)

58th Legislature
2003 Regular Session

RESIDENT TUITION

EFFECTIVE DATE: 7/1/03

Passed by the House April 21, 2003
Yeas 82 Nays 15

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 8, 2003
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 7, 2003, with the
exception of section 3, which is vetoed.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1079** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 7, 2003 - 10:23 a.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1079

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Representatives Kenney, Cox, Fromhold, Jarrett, McIntire, Chandler, Miloscia, Quall, Sullivan, Voloria, Chase, Hunt, Pettigrew, Darneille, Conway, Cody, DeBolt, Delvin, Hudgins, Lantz, McDermott, Haigh, Kagi and Mastin

Read first time 01/15/2003. Referred to Committee on Higher Education.

1 AN ACT Relating to resident tuition at institutions of higher
2 education; amending RCW 28B.15.012; adding a new section to chapter
3 28B.15 RCW; creating a new section; providing an effective date; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 28B.15.012 and 2002 c 186 s 2 are each amended to read
7 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

1 Washington for at least one year immediately prior to commencement of
2 the semester or quarter for which the student has registered at any
3 institution;

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

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

17 (e) Any person who has completed the full senior year of high
18 school and obtained a high school diploma, both at a Washington public
19 high school or private high school approved under chapter 28A.195 RCW,
20 or a person who has received the equivalent of a diploma; who has lived
21 in Washington for at least three years immediately prior to receiving
22 the diploma or its equivalent; who has continuously lived in the state
23 of Washington after receiving the diploma or its equivalent and until
24 such time as the individual is admitted to an institution of higher
25 education under subsection (1) of this section; and who provides to the
26 institution an affidavit indicating that the individual will file an
27 application to become a permanent resident at the earliest opportunity
28 the individual is eligible to do so and a willingness to engage in any
29 other activities necessary to acquire citizenship, including but not
30 limited to citizenship or civics review courses;

31 (f) A student who is on active military duty stationed in the state
32 or who is a member of the Washington national guard;

33 ((+f)) (g) A student who is the spouse or a dependent of a person
34 who is on active military duty stationed in the state;

35 ((+g)) (h) A student who resides in the state of Washington and is
36 the spouse or a dependent of a person who is a member of the Washington
37 national guard;

1 (~~(h)~~) (i) A student of an out-of-state institution of higher
2 education who is attending a Washington state institution of higher
3 education pursuant to a home tuition agreement as described in RCW
4 28B.15.725; or

5 (~~(i)~~) (j) A student who meets the requirements of RCW
6 28B.15.0131: PROVIDED, That a nonresident student enrolled for more
7 than six hours per semester or quarter shall be considered as attending
8 for primarily educational purposes, and for tuition and fee paying
9 purposes only such period of enrollment shall not be counted toward the
10 establishment of a bona fide domicile of one year in this state unless
11 such student proves that the student has in fact established a bona
12 fide domicile in this state primarily for purposes other than
13 educational.

14 (3) The term "nonresident student" shall mean any student who does
15 not qualify as a "resident student" under the provisions of RCW
16 28B.15.012 and 28B.15.013. Except for students qualifying under
17 subsection (2)(~~(h)~~) (e) or (i) of this section, a nonresident student
18 shall include:

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

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

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

37 (5) The term "dependent" shall mean a person who is not financially
38 independent. Factors to be considered in determining whether a person

1 is financially independent shall be set forth in rules and regulations
2 adopted by the higher education coordinating board and shall include,
3 but not be limited to, the state and federal income tax returns of the
4 person and/or the student's parents or legal guardian filed for the
5 calendar year prior to the year in which application is made and such
6 other evidence as the board may require.

7 NEW SECTION. **Sec. 2.** It is the intent of the legislature to
8 ensure that students who receive a diploma from a Washington state high
9 school or receive the equivalent of a diploma in Washington state and
10 who have lived in Washington for at least three years prior to
11 receiving their diploma or its equivalent are eligible for in-state
12 tuition rates when they enroll in a public institution of higher
13 education in Washington state.

14 ***NEW SECTION. Sec. 3. A new section is added to chapter 28B.15 RCW**
15 **to read as follows:**

16 **The provisions of RCW 28B.15.012(2)(e) apply only to families of**
17 **those who hold or entered the United States with work visas, temporary**
18 **protected status visas, or green cards, or who have received amnesty**
19 **from the federal government.**

**Sec. 3 was vetoed. See message at end of chapter.*

20 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 July 1, 2003.

Passed by the House April 21, 2003.
Passed by the Senate April 8, 2003.
Approved by the Governor May 7, 2003, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 7, 2003.

Note: Governor's explanation of partial veto is as follows:
"I am returning herewith, without my approval as to section 3,
Engrossed House Bill No. 1079 entitled:
"AN ACT Relating to resident tuition at institutions of higher
education;"

This bill provides that students, who live in Washington for three
years prior to receiving a high school diploma or equivalent in
Washington, are eligible for in-state tuition rates at public
colleges and universities in Washington.

Section 3 would have limited residency status for tuition purposes
to students whose families hold work visas, temporary protected
status visas, green cards, or who have received amnesty from the

federal government. These students are already eligible for resident tuition. The limitations set forth in Section 3 are contrary to the stated intent of the bill.

For these reasons, I have vetoed section 3 of Engrossed House Bill No. 1079.

With the exception of section 3, Engrossed House Bill No. 1079 is approved."