

---

HOUSE BILL 2891

---

State of Washington

56th Legislature

2000 Regular Session

By Representatives Lantz, Talcott, Gombosky, Woods, Bush, Edwards, Wood, Rockefeller, Conway and Haigh

Read first time 01/24/2000. Referred to Committee on Higher Education.

1 AN ACT Relating to resident tuition for active duty military  
2 personnel; amending RCW 28B.15.012, 28B.15.012, and 28B.15.014;  
3 providing an effective date; and providing an expiration date.

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

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

7 Whenever used in chapter 28B.15 RCW:

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

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

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

17 (b) A dependent student, if one or both of the student's parents or  
18 legal guardians have maintained a bona fide domicile in the state of  
19 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 on active military duty stationed in the  
17 state;

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

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

24 ((+g)) (h) A student who meets the requirements of RCW 28B.15.0131  
25 or 28B.15.0139: 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. This condition shall not apply to  
3 students from Columbia, Multnomah, Clatsop, or Washington county,  
4 Oregon participating in the border county pilot project under RCW  
5 28B.80.806, 28B.80.807, and 28B.15.0139.

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

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

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

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

30 Whenever used in chapter 28B.15 RCW:

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

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

34 (a) A financially independent student who has had a domicile in the  
35 state of Washington for the period of one year immediately prior to the  
36 time of commencement of the first day of the semester or quarter for  
37 which the student has registered at any institution and has in fact

1 established a bona fide domicile in this state primarily for purposes  
2 other than educational;

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

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

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

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

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

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

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

38 (3) The term "nonresident student" shall mean any student who does  
39 not qualify as a "resident student" under the provisions of RCW

1 28B.15.012 and 28B.15.013. Except for students qualifying under  
2 subsection (2)((~~f~~)) (g) of this section, a nonresident student shall  
3 include:

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

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

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

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

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

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

37 (1) Any person who resides in the state of Washington and who holds  
38 a graduate service appointment designated as such by a public

1 institution of higher education or is employed for an academic  
2 department in support of the instructional or research programs  
3 involving not less than twenty hours per week during the term such  
4 person shall hold such appointment.

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

9 (~~(3) ((Active duty military personnel stationed in the state of~~  
10 ~~Washington.~~

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

15 (~~((5))~~) (4) Any dependent of a member of the United States congress  
16 representing the state of Washington.

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

18 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30,  
19 2002.

--- END ---