

6044.E AME HE AMH-54

ESB 6044 - H COMM AMD

By Committee on Higher Education

ADOPTED AS AMENDED 3/4/94

Strike everything after the enacting clause and insert the following:

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

For the purposes of determining resident tuition rates, resident students shall include American Indian students who meet two conditions. First, for a period of one year immediately prior to enrollment at a state institution of higher education as defined in RCW 28B.10.016, the student must have been domiciled in one or a combination of the following states: Idaho; Montana; Oregon; or Washington. Second, the students must be members of one of the following American Indian tribes whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington:

- a. Colville Confederated Tribes;
- b. Confederated Tribes of the Chehalis Reservation;
- c. Hoh Indian Tribe;
- d. Jamestown S'Klallam Tribe;
- e. Kalispel Tribe of Indians;
- f. Lower Elwha Klallam Tribe;
- g. Lummi Nation;
- h. Makah Indian Tribe;
- i. Muckleshoot Indian Tribe;
- j. Nisqually Indian Tribe;
- k. Nooksack Indian Tribe;
- l. Port Gamble S'Klallam Community;
- m. Puyallup Tribe of Indians;
- n. Quileute Tribe;

- o. Quinault Indian Nation;
- p. Confederated Tribes of Salish Kootenai;
- q. Sauk Suiattle Indian Nation;
- r. Shoalwater Bay Indian Tribe;
- s. Skokomish Indian Tribe;
- t. Snoqualmie Tribe;
- u. Spokane Tribe of Indians;
- v. Squaxin Island Tribe;
- w. Stillaguamish Tribe;
- x. Suquamish Tribe of the Port Madison Reservation;
- y. Swinomish Indian Community;
- z. Tulalip Tribes;
- aa. Upper Skagit Indian Tribe;
- ab. Yakama Indian Nation;
- ac. Coeur d'Alene Tribe;
- ad. Confederated Tribes of the Umatilla Indian Reservation;
- ae. Confederated Tribes of Warm Springs;
- af. Kootenai Tribe; and
- ag. Nez Perce Tribe.

Any student enrolled at a state institution of higher education as defined in RCW 28B.10.016 who is paying resident tuition under this section, and who has not established domicile in the state of Washington at least one year before enrollment, shall not be included in any calculation of state-funded enrollment for budgeting purposes, and no state general fund moneys shall be appropriated to a state institution of higher education for the support of such student.

Sec. II. RCW 28B.15.012 and 1993 sp.s. c 18 s 4 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

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

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time

of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; ((or)) (e) a student who is the spouse or a dependent of a person who is on active military duty stationed in the state; or (f) a student who meets the requirements of section 1 of this act: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. A nonresident student shall include:

(a) A student attending an institution with the aid of

financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

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

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

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

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