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HOUSE BILL 1990

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State of Washington

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1993 Regular Session

By Representatives Karahalios, Sehlin, Orr, Dyer, Springer, Ludwig, Campbell, Pruitt and Holm

Read first time 02/19/93. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; and amending RCW 28B.15.013,  
2 28B.15.014, and 28B.15.620.

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

4 **Sec. 1.** RCW 28B.15.013 and 1989 c 175 s 79 are each amended to  
5 read as follows:

6 (1) The establishment of a new domicile in the state of Washington  
7 by a person formerly domiciled in another state has occurred if such  
8 person is physically present in Washington primarily for purposes other  
9 than educational and can show satisfactory proof that such person is  
10 without a present intention to return to such other state or to acquire  
11 a domicile at some other place outside of Washington.

12 (2) Unless proven to the contrary it shall be presumed that:

13 (a) The domicile of any person shall be determined according to the  
14 individual's situation and circumstances rather than by marital status  
15 or sex.

16 (b) A person does not lose a domicile in the state of Washington by  
17 reason of residency in any state or country while a member of the civil  
18 or military service of this state or of the United States, nor while  
19 engaged in the navigation of the waters of this state or of the United

1 States or of the high seas if that person returns to the state of  
2 Washington within one year of discharge from said service with the  
3 intent to be domiciled in the state of Washington; any resident  
4 dependent student who remains in this state when such student's  
5 parents, having theretofore been domiciled in this state for a period  
6 of one year immediately prior to the time of commencement of the first  
7 day of the semester or quarter for which the student has registered at  
8 any institution, remove from this state, shall be entitled to continued  
9 classification as a resident student so long as such student's  
10 attendance (except summer sessions) at an institution in this state is  
11 continuous.

12 (3) Regardless of age or domicile, active duty military personnel  
13 stationed in the state of Washington and the spouses and dependents of  
14 such military personnel shall be entitled to classification as resident  
15 students by the governing boards of the state universities, the  
16 regional universities, The Evergreen State College, and the community  
17 colleges.

18 (4) To aid the institution in deciding whether a student, parent,  
19 legally appointed guardian or the person having legal custody of a  
20 student is domiciled in the state of Washington primarily for purposes  
21 other than educational, the rules and regulations adopted by the higher  
22 education coordinating board shall include but not be limited to the  
23 following:

24 (a) Registration or payment of Washington taxes or fees on a motor  
25 vehicle, mobile home, travel trailer, boat, or any other item of  
26 personal property owned or used by the person for which state  
27 registration or the payment of a state tax or fee is required will be  
28 a factor in considering evidence of the establishment of a Washington  
29 domicile.

30 (b) Permanent full time employment in Washington by a person will  
31 be a factor in considering the establishment of a Washington domicile.

32 (c) Registration to vote for state officials in Washington will be  
33 a factor in considering the establishment of a Washington domicile.

34 ~~((+4))~~ (5) After a student has registered at an institution such  
35 student's classification shall remain unchanged in the absence of  
36 satisfactory evidence to the contrary. A student wishing to apply for  
37 a change in classification shall reduce such evidence to writing and  
38 file it with the institution. In any case involving an application for  
39 a change from nonresident to resident status, the burden of proof shall

1 rest with the applicant. Any change in classification, either  
2 nonresident to resident, or the reverse, shall be based upon written  
3 evidence maintained in the files of the institution and, if approved,  
4 shall take effect the semester or quarter such evidence was filed with  
5 the institution: PROVIDED, That applications for a change in  
6 classification shall be accepted up to the thirtieth calendar day  
7 following the first day of instruction of the quarter or semester for  
8 which application is made.

9 **Sec. 2.** RCW 28B.15.014 and 1992 c 231 s 3 are each amended to read  
10 as follows:

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

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

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

26 ~~(3) ((Active duty military personnel stationed in the state of  
27 Washington and the spouses and dependents of such military personnel.~~

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

32 ~~((+5))~~ (4) Domestic exchange students participating in the program  
33 created under RCW 28B.15.725.

34 ~~((+6))~~ (5) Any dependent of a member of the United States congress  
35 representing the state of Washington.

36 Before June 30, 1995, no individual waiver program under this  
37 section may be reduced by more than twice the percentage reduction

1 required in operating fee foregone revenue from tuition waivers in the  
2 biennial state appropriations act.

3 **Sec. 3.** RCW 28B.15.620 and 1992 c 231 s 22 are each amended to  
4 read as follows:

5 Subject to the limitations of RCW 28B.15.910, the governing boards  
6 of the state universities, the regional universities, The Evergreen  
7 State College, and the community colleges (~~(may)~~) shall exempt veterans  
8 of the Vietnam conflict who have served in the southeast Asia theater  
9 of operations from the payment of any increase in tuition and fees  
10 otherwise applicable to any other resident or nonresident student. In  
11 such cases, the veteran shall not be required to pay more than the  
12 total amount of tuition and fees paid by veterans of the Vietnam  
13 conflict on October 1, 1977: PROVIDED, That for the purposes of this  
14 exemption, "veterans of the Vietnam conflict" shall be those persons  
15 who have been on active federal service as a member of the armed  
16 military or naval forces of the United States between a period  
17 commencing August 5, 1964, and ending on May 7, 1975, and who qualify  
18 as a resident student under RCW 28B.15.012, and who enrolled in state  
19 institutions of higher education on or before May 7, 1990. (~~(This~~  
20 ~~section shall expire June 30, 1995.~~

21 ~~Before June 30, 1995, no individual waiver program under this~~  
22 ~~section may be reduced by more than twice the percentage reduction~~  
23 ~~required in operating fee foregone revenue from tuition waivers in the~~  
24 ~~biennial state appropriations act.))~~

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