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SENATE BILL 6044

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Bauer, Prentice and Sheldon; by request of Washington State University

Read first time 01/10/94. Referred to Committee on Higher Education.

1 AN ACT Relating to residency of Native Americans for purposes of  
2 higher education tuition; amending RCW 28B.15.012; and adding a new  
3 section to chapter 28B.15 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.15 RCW  
6 to read as follows:

7 Persons who are members of the following tribes, regardless of  
8 current domicile, shall be considered Washington state residents for  
9 purposes of tuition at institutions of higher education: Members of  
10 the following Native American tribes, whose traditional and customary  
11 tribal boundaries included portions of the state of Washington, or  
12 whose tribe was granted reserved lands within the state of Washington:

- 13 (1) Colville Confederated Tribes;  
14 (2) Confederated Tribes of the Chehalis Reservation;  
15 (3) Hoh Indian Tribe;  
16 (4) Jamestown S'Klallam Tribe;  
17 (5) Kalispel Tribe of Indians;  
18 (6) Lower Elwha Klallam Tribe;  
19 (7) Lummi Nation;

- 1 (8) Makah Indian Tribe;
- 2 (9) Muckleshoot Indian Tribe;
- 3 (10) Nisqually Indian Tribe;
- 4 (11) Nooksack Indian Tribe;
- 5 (12) Port Gamble S'Klallam Community;
- 6 (13) Puyallup Tribe of Indians;
- 7 (14) Quileute Tribe;
- 8 (15) Quinault Indian Nation;
- 9 (16) Confederated Tribes of Salish Kootenai;
- 10 (17) Sauk Suiattle Indian Nation;
- 11 (18) Shoalwater Bay Indian Tribe;
- 12 (19) Skokomish Indian Tribe;
- 13 (20) Snoqualmie Tribe;
- 14 (21) Spokane Tribe of Indians;
- 15 (22) Squaxin Island Tribe;
- 16 (23) Stillaguamish Tribe;
- 17 (24) Suquamish Tribe of the Port Madison Reservation;
- 18 (25) Swinomish Indian Community;
- 19 (26) Tulalip Tribes;
- 20 (27) Upper Skagit Indian Tribe;
- 21 (28) Yakima Indian Nation;
- 22 (29) Coeur d'Alene Tribe;
- 23 (30) Confederated Tribes of the Umatilla Indian Reservation;
- 24 (31) Confederated Tribes of Warm Springs;
- 25 (32) Kootenai Tribe; and
- 26 (33) Nez Perce Tribe.

27 **Sec. 2.** RCW 28B.15.012 and 1993 sp.s. c 18 s 4 are each amended to  
28 read as follows:

29 Whenever used in chapter 28B.15 RCW:

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

32 (2) The term "resident student" shall mean: (a) A financially  
33 independent student who has had a domicile in the state of Washington  
34 for the period of one year immediately prior to the time of  
35 commencement of the first day of the semester or quarter for which the  
36 student has registered at any institution and has in fact established  
37 a bona fide domicile in this state primarily for purposes other than

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

28 (3) The term "nonresident student" shall mean any student who does  
29 not qualify as a "resident student" under the provisions of RCW  
30 28B.15.012 and 28B.15.013. A nonresident student shall include:

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

35 (b) A person who is not a citizen of the United States of America  
36 who does not have permanent or temporary resident status or does not  
37 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
38 States immigration and naturalization service or is not otherwise  
39 permanently residing in the United States under color of law and who

1 does not also meet and comply with all the applicable requirements in  
2 RCW 28B.15.012 and 28B.15.013.

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

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

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