

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6044

Chapter 188, Laws of 1994

53rd Legislature
1994 Regular Session

AMERICAN INDIANS--HIGHER EDUCATION RESIDENCY DETERMINATION

EFFECTIVE DATE: 6/9/94

Passed by the Senate March 6, 1994
YEAS 36 NAYS 10

JOEL PRITCHARD

President of the Senate

Passed by the House March 4, 1994
YEAS 98 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6044** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 30, 1994 - 1:38 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6044

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

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 For the purposes of determining resident tuition rates, resident
8 students shall include American Indian students who meet two
9 conditions. First, for a period of one year immediately prior to
10 enrollment at a state institution of higher education as defined in RCW
11 28B.10.016, the student must have been domiciled in one or a
12 combination of the following states: Idaho; Montana; Oregon; or
13 Washington. Second, the students must be members of one of the
14 following American Indian tribes whose traditional and customary tribal
15 boundaries included portions of the state of Washington, or whose tribe
16 was granted reserved lands within the state of Washington:

- 17 (1) Colville Confederated Tribes;
18 (2) Confederated Tribes of the Chehalis Reservation;
19 (3) Hoh Indian Tribe;

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

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

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

3 Whenever used in chapter 28B.15 RCW:

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

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

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

Passed the Senate March 6, 1994.

Passed the House March 4, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.