CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5330

Chapter 117, Laws of 2000

56th Legislature
2000 Regular Session

RESIDENT TUITION--MILITARY PERSONNEL

EFFECTIVE DATE: 6/8/00 - Except section 2, which becomes effective 6/30/02.

Passed by the Senate February 11, 2000
YEAS 45 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 1, 2000
YEAS 98 NAYS 0

CLYDE BALLARD
Speaker of the House of Representatives

TONY M. COOK
Secretary

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5330 as passed by the Senate and the House of Representatives on the dates hereon set forth.

FRANK CHOPP
Speaker of the House of Representatives

Approved March 24, 2000

GARY LOCKE
Governor of the State of Washington

March 24, 2000 - 3:20 p.m.

Secretary of State
State of Washington
AN ACT Relating to resident tuition for active duty military personnel; amending RCW 28B.15.012, 28B.15.012, and 28B.15.014; providing an effective date; and providing an expiration date.

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

Sec. 1. RCW 28B.15.012 and 1999 c 320 s 5 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;

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

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

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

(h) A student who meets the requirements of RCW 28B.15.0131
or 28B.15.0139: 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. Except for students qualifying under
subsection (2)((f)) (g) of this section, 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. This condition shall not apply to students from Columbia, Multnomah, Clatsop, or Washington county, Oregon participating in the border county pilot project under RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

(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.

Sec. 2. RCW 28B.15.012 and 1997 c 433 s 2 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;
(e) A student who is on active military duty stationed in the
state;
(f) A student who is the spouse or a dependent of a person who is
on active military duty stationed in the state;
(g) A student of an out-of-state institution of higher
education who is attending a Washington state institution of higher
education pursuant to a home tuition agreement as described in RCW
28B.15.725; or
(h) A student who meets the requirements of RCW
28B.15.0131: 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. Except for students qualifying under subsection (2)((f)) (g) of this section, 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.

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

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

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

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

(3) ((Active-duty military personnel stationed in the state of
Washington.)

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

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

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

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

Passed the Senate February 11, 2000.
Passed the House March 1, 2000.
Approved by the Governor March 24, 2000.
Filed in Office of Secretary of State March 24, 2000.