

2 **E2SHB 2605** - S COMM AMD
3 By Committee on Higher Education

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 28B.15.725 and 1993 sp.s. c 18 s 26 are each amended
8 to read as follows:

9 Subject to the limitations of RCW 28B.15.910, the governing boards
10 of the state universities, the regional universities, and The Evergreen
11 State College may enter into undergraduate (~~upper division~~) student
12 exchange agreements with (~~comparable public four-year~~) institutions
13 of higher education of other states and agree to exempt participating
14 undergraduate (~~upper division~~) students from payment of all or a
15 portion of the nonresident tuition fees differential subject to the
16 following restrictions:

17 (1) In any given academic year, the number of students receiving a
18 waiver at a state institution shall not exceed the number of that
19 institution's students receiving nonresident tuition waivers at
20 participating out-of-state institutions. Waiver imbalances that may
21 occur in one year shall be off-set in the year immediately following.

22 (2) Undergraduate (~~upper division~~) student participation in an
23 exchange program authorized by this section is limited to one academic
24 year.

25 **Sec. 2.** 1989 c 290 s 1 (uncodified) is amended to read as follows:

26 The legislature recognizes that a unique educational experience can
27 result from an undergraduate (~~upper division~~) student attending an
28 out-of-state institution. It also recognizes that some Washington
29 residents may be unable to pursue such out-of-state enrollment owing to
30 their limited financial resources and the higher cost of nonresident
31 tuition. The legislature intends to facilitate expanded nonresident
32 undergraduate (~~upper division~~) enrollment opportunities for residents
33 of the state by authorizing the governing boards of the four-year
34 institutions of higher education to enter into exchange programs with
35 other states' (~~comparable public four-year~~) institutions with

1 comparable programs wherein the participating institutions agree that
2 visiting undergraduate (~~upper division~~) students will pay resident
3 tuition rates of the host institutions.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.15 RCW
5 to read as follows:

6 For the purposes of determining resident tuition rates, resident
7 students shall include American Indian students who meet two
8 conditions. First, the students must have been domiciled for a minimum
9 of one year in the state of Oregon, Idaho, or Montana at the time that
10 they enroll at an institution of higher education as defined in RCW
11 28B.10.016. Second, the students must be members of one of the
12 following American Indian tribes whose traditional and customary tribal
13 boundaries included portions of the state of Washington, or whose tribe
14 was granted reserved lands within the state of Washington:

- 15 (1) Colville Confederated Tribes;
- 16 (2) Confederated Tribes of the Chehalis Reservation;
- 17 (3) Hoh Indian Tribe;
- 18 (4) Jamestown S'Klallam Tribe;
- 19 (5) Kalispel Tribe of Indians;
- 20 (6) Lower Elwha Klallam Tribe;
- 21 (7) Lummi Nation;
- 22 (8) Makah Indian Tribe;
- 23 (9) Muckleshoot Indian Tribe;
- 24 (10) Nisqually Indian Tribe;
- 25 (11) Nooksack Indian Tribe;
- 26 (12) Port Gamble S'Klallam Community;
- 27 (13) Puyallup Tribe of Indians;
- 28 (14) Quileute Tribe;
- 29 (15) Quinault Indian Nation;
- 30 (16) Confederated Tribes of Salish Kootenai;
- 31 (17) Sauk Suiattle Indian Nation;
- 32 (18) Shoalwater Bay Indian Tribe;
- 33 (19) Skokomish Indian Tribe;
- 34 (20) Snoqualmie Tribe;
- 35 (21) Spokane Tribe of Indians;
- 36 (22) Squaxin Island Tribe;
- 37 (23) Stillaguamish Tribe;
- 38 (24) Suquamish Tribe of the Port Madison Reservation;

- 1 (25) Swinomish Indian Community;
- 2 (26) Tulalip Tribes;
- 3 (27) Upper Skagit Indian Tribe;
- 4 (28) Yakama Indian Nation;
- 5 (29) Coeur d'Alene Tribe;
- 6 (30) Confederated Tribes of the Umatilla Indian Reservation;
- 7 (31) Confederated Tribes of Warm Springs;
- 8 (32) Kootenai Tribe; and
- 9 (33) Nez Perce Tribe.

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

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

19 Whenever used in chapter 28B.15 RCW:

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

22 (2) The term "resident student" shall mean: (a) A financially
23 independent student who has had a domicile in the state of Washington
24 for the period of one year immediately prior to the time of
25 commencement of the first day of the semester or quarter for which the
26 student has registered at any institution and has in fact established
27 a bona fide domicile in this state primarily for purposes other than
28 educational; (b) a dependent student, if one or both of the student's
29 parents or legal guardians have maintained a bona fide domicile in the
30 state of Washington for at least one year immediately prior to
31 commencement of the semester or quarter for which the student has
32 registered at any institution; (c) a student classified as a resident
33 based upon domicile by an institution on or before May 31, 1982, who
34 was enrolled at a state institution during any term of the 1982-1983
35 academic year, so long as such student's enrollment (excepting summer
36 sessions) at an institution in this state is continuous; (d) any
37 student who has spent at least seventy-five percent of both his or her
38 junior and senior years in high schools in this state, whose parents or

1 legal guardians have been domiciled in the state for a period of at
2 least one year within the five-year period before the student graduates
3 from high school, and who enrolls in a public institution of higher
4 education within six months of leaving high school, for as long as the
5 student remains continuously enrolled for three quarters or two
6 semesters in any calendar year; ~~((or))~~ (e) a student who is the spouse
7 or a dependent of a person who is on active military duty stationed in
8 the state; or (f) a student who meets the requirements of section 3 of
9 this act: PROVIDED, That a nonresident student enrolled for more than
10 six hours per semester or quarter shall be considered as attending for
11 primarily educational purposes, and for tuition and fee paying purposes
12 only such period of enrollment shall not be counted toward the
13 establishment of a bona fide domicile of one year in this state unless
14 such student proves that the student has in fact established a bona
15 fide domicile in this state primarily for purposes other than
16 educational.

17 (3) The term "nonresident student" shall mean any student who does
18 not qualify as a "resident student" under the provisions of RCW
19 28B.15.012 and 28B.15.013. A nonresident student shall include:

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

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

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

38 (5) The term "dependent" shall mean a person who is not financially
39 independent. Factors to be considered in determining whether a person

1 is financially independent shall be set forth in rules and regulations
2 adopted by the higher education coordinating board and shall include,
3 but not be limited to, the state and federal income tax returns of the
4 person and/or the student's parents or legal guardian filed for the
5 calendar year prior to the year in which application is made and such
6 other evidence as the board may require."

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10 On page 1, line 1 of the title, after "education;" strike the
11 remainder of the title and insert "amending RCW 28B.15.725 and
12 28B.15.012; amending 1989 c 290 s 1 (uncodified); and adding a new
13 section to chapter 28B.15 RCW."

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