
SUBSTITUTE SENATE BILL 5623

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Higher Education (originally sponsored by Senators Prince, Wood, Spanel, Fraser and Winsley)

Read first time 02/24/97.

1 AN ACT Relating to higher education; amending RCW 28B.15.012,
2 28B.15.014, 28B.15.725, and 28B.15.910; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 provide for diverse educational opportunities at the state's
6 institutions of higher education and to facilitate student
7 participation in educational exchanges with institutions outside the
8 state of Washington. To accomplish this, this act establishes a home
9 tuition program allowing students at Washington state institutions of
10 higher education to take advantage of out-of-state and international
11 educational opportunities while paying an amount equal to their
12 regularly charged tuition and required fees.

13 **Sec. 2.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read
14 as follows:

15 Whenever used in chapter 28B.15 RCW:

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

18 (2) The term "resident student" shall mean:

1 (a) A financially independent student who has had a domicile in the
2 state of Washington for the period of one year immediately prior to the
3 time of commencement of the first day of the semester or quarter for
4 which the student has registered at any institution and has in fact
5 established a bona fide domicile in this state primarily for purposes
6 other than educational;

7 (b) A dependent student, if one or both of the student's parents or
8 legal guardians have maintained a bona fide domicile in the state of
9 Washington for at least one year immediately prior to commencement of
10 the semester or quarter for which the student has registered at any
11 institution;

12 (c) A student classified as a resident based upon domicile by an
13 institution on or before May 31, 1982, who was enrolled at a state
14 institution during any term of the 1982-1983 academic year, so long as
15 such student's enrollment (excepting summer sessions) at an institution
16 in this state is continuous;

17 (d) Any student who has spent at least seventy-five percent of both
18 his or her junior and senior years in high schools in this state, whose
19 parents or legal guardians have been domiciled in the state for a
20 period of at least one year within the five-year period before the
21 student graduates from high school, and who enrolls in a public
22 institution of higher education within six months of leaving high
23 school, for as long as the student remains continuously enrolled for
24 three quarters or two semesters in any calendar year;

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

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

30 (g) A student who meets the requirements of RCW 28B.15.0131:
31 PROVIDED, That a nonresident student enrolled for more than six hours
32 per semester or quarter shall be considered as attending for primarily
33 educational purposes, and for tuition and fee paying purposes only such
34 period of enrollment shall not be counted toward the establishment of
35 a bona fide domicile of one year in this state unless such student
36 proves that the student has in fact established a bona fide domicile in
37 this state primarily for purposes other than educational.

38 (3) The term "nonresident student" shall mean any student who does
39 not qualify as a "resident student" under the provisions of RCW

1 28B.15.012 and 28B.15.013. Except for students qualifying under
2 subsection (2)(f) of this section, a nonresident student shall include:

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

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

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

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

29 **Sec. 3.** RCW 28B.15.014 and 1993 sp.s. c 18 s 5 are each amended to
30 read as follows:

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

36 (1) Any person who resides in the state of Washington and who holds
37 a graduate service appointment designated as such by a public
38 institution of higher education or is employed for an academic

1 department in support of the instructional or research programs
2 involving not less than twenty hours per week during the term such
3 person shall hold such appointment.

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

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

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

14 ~~(5) ((Domestic exchange students participating in the program
15 created under RCW 28B.15.725.~~

16 ~~(6))~~ Any dependent of a member of the United States congress
17 representing the state of Washington.

18 **Sec. 4.** RCW 28B.15.725 and 1994 c 234 s 1 are each amended to read
19 as follows:

20 ~~((Subject to the limitations of RCW 28B.15.910,))~~ (1) The governing
21 boards of the state universities, the regional universities, and The
22 Evergreen State College may ~~((enter into undergraduate student
23 exchange))~~ establish home tuition programs by negotiating home tuition
24 agreements with an out-of-state institution or consortium of
25 institutions of higher education ((of other states and agree to exempt
26 participating undergraduate students from payment of all or a portion
27 of the nonresident tuition fees differential subject to the following
28 restrictions:

29 (1) ~~In any given academic year, the number of students receiving a~~
30 ~~waiver at a state institution shall not exceed the number of that~~
31 ~~institution's students receiving nonresident tuition waivers at~~
32 ~~participating out of state institutions. Waiver imbalances that may~~
33 ~~occur in one year shall be off set in the year immediately following))~~
34 if no loss of tuition and fee revenue occurs as a result of the
35 agreements.

36 (2) ~~((Undergraduate))~~ Home tuition agreements allow students at
37 Washington state institutions of higher education to attend an out-of-
38 state institution of higher education as part of a student exchange.

1 Students participating in a home tuition program shall pay an amount
2 equal to their regular, full-time tuition and required fees to either
3 the Washington institution of higher education or the out-of-state
4 institution of higher education depending upon the provisions of the
5 particular agreement. Payment of course fees in excess of generally
6 applicable tuition and required fees must be addressed in each home
7 tuition agreement to ensure that the instructional programs of the
8 Washington institution of higher education do not incur additional
9 uncompensated costs as a result of the exchange.

10 (3) Student participation in ((an exchange program)) a home tuition
11 agreement authorized by this section is limited to one academic year.

12 **Sec. 5.** RCW 28B.15.910 and 1993 sp.s. c 18 s 31 are each amended
13 to read as follows:

14 (1) Except for revenue waived under programs listed in subsection
15 (3) of this section, and unless otherwise expressly provided in the
16 omnibus state appropriations act, the total amount of operating fees
17 revenue waived, exempted, or reduced by a state university, a regional
18 university, The Evergreen State College, or the community colleges as
19 a whole, shall not exceed the percentage of total gross authorized
20 operating fees revenue set forth below. As used in this section,
21 "gross authorized operating fees revenue" means the estimated gross
22 operating fees revenue as estimated under RCW 82.33.020 or as revised
23 by the office of financial management, before granting any waivers.
24 This limitation applies to all tuition waiver programs established
25 before or after July 1, 1992.

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| 26 (a) University of Washington | 21 percent |
| 27 (b) Washington State University | 20 percent |
| 28 (c) Eastern Washington University | 11 percent |
| 29 (d) Central Washington University | 8 percent |
| 30 (e) Western Washington University | 10 percent |
| 31 (f) The Evergreen State College | 6 percent |
| 32 (g) Community colleges as a whole | 35 percent |

33 (2) The limitations in subsection (1) of this section apply to
34 waivers, exemptions, or reductions in operating fees contained in the
35 following:

- 36 (a) RCW 28B.10.265;
- 37 (b) RCW 28B.15.014;
- 38 (c) RCW 28B.15.100;

- 1 (d) RCW 28B.15.225;
- 2 (e) RCW 28B.15.380;
- 3 (f) Ungraded courses under RCW 28B.15.502(4);
- 4 (g) RCW 28B.15.520;
- 5 (h) RCW 28B.15.526;
- 6 (i) RCW 28B.15.527;
- 7 (j) RCW 28B.15.543;
- 8 (k) RCW 28B.15.545;
- 9 (l) RCW 28B.15.555;
- 10 (m) RCW 28B.15.556;
- 11 (n) RCW 28B.15.615;
- 12 (o) RCW 28B.15.620;
- 13 (p) RCW 28B.15.628;
- 14 (q) (~~(RCW 28B.15.725;~~
- 15 ~~(r))~~) RCW 28B.15.730;
- 16 (~~(s)~~) (r) RCW 28B.15.740;
- 17 (~~(t)~~) (s) RCW 28B.15.750;
- 18 (~~(u)~~) (t) RCW 28B.15.756;
- 19 (~~(v)~~) (u) RCW 28B.50.259;
- 20 (~~(w)~~) (v) RCW 28B.70.050; and
- 21 (~~(x)~~) (w) RCW 28B.80.580.

22 (3) The limitations in subsection (1) of this section do not apply
23 to waivers, exemptions, or reductions in services and activities fees
24 contained in the following:

- 25 (a) RCW 28B.15.522;
- 26 (b) RCW 28B.15.535;
- 27 (c) RCW 28B.15.540; and
- 28 (d) RCW 28B.15.558.

29 NEW SECTION. **Sec. 6.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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