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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2537.1/99

ATTY/TYPIST: SCG:as

BRIEF TITLE:

2 ESB 5330 - H COMM AMD  
3 By Committee on Higher Education

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

7 "Sec. 1. RCW 28B.15.012 and 1997 c 433 s 2 are each amended to  
8 read as follows:

9 Whenever used in chapter 28B.15 RCW:

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

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

13 (a) A financially independent student who has had a domicile in the  
14 state of Washington for the period of one year immediately prior to the  
15 time of commencement of the first day of the semester or quarter for  
16 which the student has registered at any institution and has in fact  
17 established a bona fide domicile in this state primarily for purposes  
18 other than educational;

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

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

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

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

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

5       (~~(f)~~) (g) A student of an out-of-state institution of higher  
6 education who is attending a Washington state institution of higher  
7 education pursuant to a home tuition agreement as described in RCW  
8 28B.15.725; or

9       (~~(g)~~) (h) A student who meets the requirements of RCW  
10 28B.15.0131: PROVIDED, That a nonresident student enrolled for more  
11 than six hours per semester or quarter shall be considered as attending  
12 for primarily educational purposes, and for tuition and fee paying  
13 purposes only such period of enrollment shall not be counted toward the  
14 establishment of a bona fide domicile of one year in this state unless  
15 such student proves that the student has in fact established a bona  
16 fide domicile in this state primarily for purposes other than  
17 educational.

18       (3) The term "nonresident student" shall mean any student who does  
19 not qualify as a "resident student" under the provisions of RCW  
20 28B.15.012 and 28B.15.013. Except for students qualifying under  
21 subsection (2)(~~(f)~~) (g) of this section, a nonresident student shall  
22 include:

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

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

34       (4) The term "domicile" shall denote a person's true, fixed and  
35 permanent home and place of habitation. It is the place where the  
36 student intends to remain, and to which the student expects to return  
37 when the student leaves without intending to establish a new domicile  
38 elsewhere. The burden of proof that a student, parent or guardian has

1 established a domicile in the state of Washington primarily for  
2 purposes other than educational lies with the student.

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

11 **Sec. 2.** RCW 28B.15.014 and 1997 c 433 s 3 are each amended to read  
12 as follows:

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

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

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

28 (3) ~~((Active duty military personnel stationed in the state of  
29 Washington.~~

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

34 ~~((5))~~ (4) Any dependent of a member of the United States congress  
35 representing the state of Washington."

1 Correct the title.

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