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**SUBSTITUTE SENATE BILL 6299**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Sheahan, Shin, Bauer and McAuliffe)

Read first time 01/27/2000.

1 AN ACT Relating to resident tuition at institutions of higher  
2 education; amending RCW 28B.15.012 and 28B.15.012; providing an  
3 effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 28B.15.012 and 1999 c 320 s 5 are each amended to read  
6 as follows:

7 Whenever used in chapter 28B.15 RCW:

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

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

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

17 (b) A dependent student, if one or both of the student's parents or  
18 legal guardians have maintained a bona fide domicile in the state of  
19 Washington for at least one year immediately prior to commencement of

1 the semester or quarter for which the student has registered at any  
2 institution;

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

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

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

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

22 (g) A student who meets the requirements of RCW 28B.15.0131 or  
23 28B.15.0139: PROVIDED, That a nonresident student enrolled for more  
24 than six hours per semester or quarter shall be considered as attending  
25 for primarily educational purposes, and for tuition and fee paying  
26 purposes only such period of enrollment shall not be counted toward the  
27 establishment of a bona fide domicile of one year in this state unless  
28 such student proves that the student has in fact established a bona  
29 fide domicile in this state primarily for purposes other than  
30 educational; or

31 (h) A student classified as a nonimmigrant alien under 8 U.S.C.  
32 Sec. 1101(a)(15)(H) who: (i) Has both been employed by a Washington  
33 business or a state agency and has lived in the state of Washington for  
34 the period of one year immediately before the commencement of the first  
35 day of the semester or quarter for which the student requests resident  
36 tuition status or (ii) is the dependent child or spouse of an eligible  
37 employee, as defined in (i) of this subsection (2)(h), who is the  
38 holder of an (H) visa and has lived in the state for the period of one  
39 year immediately before the commencement of the first day of the

1 semester or quarter for which the student requests resident tuition  
2 status.

3 (3) The term "nonresident student" shall mean any student who does  
4 not qualify as a "resident student" under the provisions of RCW  
5 28B.15.012 and 28B.15.013. Except for students qualifying under  
6 subsection (2)(f) of this section, a nonresident student shall include:

7 (a) A student attending an institution with the aid of financial  
8 assistance provided by another state or governmental unit or agency  
9 thereof, such nonresidency continuing for one year after the completion  
10 of such semester or quarter. This condition shall not apply to  
11 students from Columbia, Multnomah, Clatsop, or Washington county,  
12 Oregon participating in the border county pilot project under RCW  
13 28B.80.806, 28B.80.807, and 28B.15.0139.

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

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

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

36 **Sec. 2.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read  
37 as follows:

38 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

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

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

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

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

1 proves that the student has in fact established a bona fide domicile in  
2 this state primarily for purposes other than educational; or

3 (h) A student classified as a nonimmigrant alien under 8 U.S.C.  
4 Sec. 1101(a)(15)(H) who: (i) Has both been employed by a Washington  
5 business or a state agency and has lived in the state of Washington for  
6 the period of one year immediately before the commencement of the first  
7 day of the semester or quarter for which the student requests resident  
8 tuition status or (ii) is the dependent child or spouse of an eligible  
9 employee, as defined in (i) of this subsection (2)(h), who is the  
10 holder of an (H) visa and has lived in the state for the period of one  
11 year immediately before the commencement of the first day of the  
12 semester or quarter for which the student requests resident tuition  
13 status.

14 (3) The term "nonresident student" shall mean any student who does  
15 not qualify as a "resident student" under the provisions of RCW  
16 28B.15.012 and 28B.15.013. Except for students qualifying under  
17 subsection (2)(f) of this section, a nonresident student shall include:

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

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

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

36 (5) The term "dependent" shall mean a person who is not financially  
37 independent. Factors to be considered in determining whether a person  
38 is financially independent shall be set forth in rules and regulations  
39 adopted by the higher education coordinating board and shall include,

1 but not be limited to, the state and federal income tax returns of the  
2 person and/or the student's parents or legal guardian filed for the  
3 calendar year prior to the year in which application is made and such  
4 other evidence as the board may require.

5 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30, 2002.

6 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June 30,  
7 2002.

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