
SUBSTITUTE HOUSE BILL 2330

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Quall, Gombosky, Kessler, Lantz, Jarrett and McIntire)

Read first time 01/30/2002. Referred to Committee on .

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

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

4 **Sec. 1.** RCW 28B.15.012 and 2000 c 117 s 2 are each amended to read
5 as follows:

6 Whenever used in chapter 28B.15 RCW:

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

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

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

16 (b) A dependent student, if one or both of the student's parents or
17 legal guardians have maintained a bona fide domicile in the state of
18 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 on active military duty stationed in the
17 state;

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

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

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

32 (i) A student who has graduated from high school in this state or
33 received the equivalent of a high school diploma in this state and has
34 registered at any institution and has had a domicile in the state of
35 Washington for the period of one year immediately before the time of
36 commencement of the first day of the semester or quarter for which the
37 student has been admitted and has in fact established a bona fide
38 domicile in this state primarily for purposes other than educational
39 and has provided an affidavit to the institution stating the individual

1 will file an application for legal residency in the United States at
2 the earliest opportunity the individual is eligible to do so.

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)(g) 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.

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

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

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

33 NEW SECTION. **Sec. 2.** This act takes effect June 30, 2002.

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