
HOUSE BILL 2330

State of Washington

57th Legislature

2002 Regular Session

By Representatives Kenney, Cox, Fromhold, Chase, Quall, Gombosky, Kessler, Lantz, Jarrett and McIntire

Read first time 01/15/2002. Referred to Committee on Higher Education.

1 AN ACT Relating to resident tuition at institutions of higher
2 education; amending RCW 28B.15.012; adding a new section to chapter
3 28B.15 RCW; and providing an effective date.

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

5 **Sec. 1.** RCW 28B.15.012 and 2000 c 117 s 2 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 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 meets the requirements of section 2 of this act.

33 (3) The term "nonresident student" shall mean any student who does
34 not qualify as a "resident student" under the provisions of RCW
35 28B.15.012 and 28B.15.013. Except for students qualifying under
36 subsection (2)(g) of this section, a nonresident student shall include:

37 (a) A student attending an institution with the aid of financial
38 assistance provided by another state or governmental unit or agency

1 thereof, such nonresidency continuing for one year after the completion
2 of such semester or quarter.

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

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

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

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.15 RCW
26 to read as follows:

27 The legislature finds that there are high school students who have
28 lived most of their lives in this state and who have successfully
29 graduated from high school or its equivalent yet are unable to obtain
30 affordable postsecondary education because they are required to pay
31 nonresident tuition rates. This economic barrier has created an
32 unfortunate artificial barrier for students who, despite living in our
33 state most of their lives, do not have the required documentation to
34 establish residency. These students will most likely remain in our
35 state and through their labor continue to add significantly to our
36 state's prosperity. The legislature further finds that these students
37 and their families have paid taxes in this state and have contributed
38 to the state's economic growth. Therefore, each of these students are

1 exempt from paying nonresident tuition at public institutions of higher
2 education in this state if the student:

3 (1) Lived in the state for a period of at least three years;

4 (2) Graduated from a public or private high school in this state,
5 or received the equivalent of a high school diploma in this state;

6 (3) Is accepted and enrolled in a Washington institution of higher
7 education; and

8 (4) Provides to the institution an affidavit stating that the
9 individual has or will file an application to become a permanent
10 resident at the earliest opportunity the individual is eligible to do
11 so.

12 NEW SECTION. **Sec. 3.** This act takes effect June 30, 2002.

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