

EHB 1079 - S COMM AMD
By Committee on Higher Education

ADOPTED AS AMENDED 4/8/03

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28B.15.012 and 2002 c 186 s 2 are each amended to
4 read as follows:

5 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

25 (d) Any student who has spent at least seventy-five percent of both
26 his or her junior and senior years in high schools in this state, whose
27 parents or legal guardians have been domiciled in the state for a
28 period of at least one year within the five-year period before the
29 student graduates from high school, and who enrolls in a public

1 institution of higher education within six months of leaving high
2 school, for as long as the student remains continuously enrolled for
3 three quarters or two semesters in any calendar year;

4 (e) Any person who has completed the full senior year of high
5 school and obtained a high school diploma, both at a Washington public
6 high school or private high school approved under chapter 28A.195 RCW,
7 or a person who has received the equivalent of a diploma; who has lived
8 in Washington for at least three years immediately prior to receiving
9 the diploma or its equivalent; who has continuously lived in the state
10 of Washington after receiving the diploma or its equivalent and until
11 such time as the individual is admitted to an institution of higher
12 education under subsection (1) of this section; and who provides to the
13 institution an affidavit indicating that the individual will file an
14 application to become a permanent resident at the earliest opportunity
15 the individual is eligible to do so and a willingness to engage in any
16 other activities necessary to acquire citizenship, including but not
17 limited to citizenship or civics review courses;

18 (f) A student who is on active military duty stationed in the state
19 or who is a member of the Washington national guard;

20 ~~((+f+))~~ (g) A student who is the spouse or a dependent of a person
21 who is on active military duty stationed in the state;

22 ~~((+g+))~~ (h) A student who resides in the state of Washington and is
23 the spouse or a dependent of a person who is a member of the Washington
24 national guard;

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

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

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

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

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

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

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

32 NEW SECTION. **Sec. 2.** It is the intent of the legislature to
33 ensure that students who receive a diploma from a Washington state high
34 school or receive the equivalent of a diploma in Washington state and
35 who have lived in Washington for at least three years prior to

1 receiving their diploma or its equivalent are eligible for in-state
2 tuition rates when they enroll in a public institution of higher
3 education in Washington state.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.15 RCW
5 to read as follows:

6 The provisions of RCW 28B.15.012(2)(e) apply only to families of
7 those who hold or entered the United States with work visas, temporary
8 protected status visas, or green cards, or who have received amnesty
9 from the federal government.

10 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 July 1, 2003."

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14 On page 1, line 2 of the title, after "education;" strike the
15 remainder of the title and insert "amending RCW 28B.15.012; adding a
16 new section to chapter 28B.15 RCW; creating a new section; providing an
17 effective date; and declaring an emergency."

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