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**SUBSTITUTE SENATE BILL 5158**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Higher Education (originally sponsored by Senators Carlson, McAuliffe, Hewitt, Kohl-Welles, Sheahan, West, Winsley, Johnson, Oke, Hale, Parlette, Mulliken, Brown, Schmidt, B. Sheldon and Shin)

READ FIRST TIME 02/07/03.

1 AN ACT Relating to classification as a resident student; amending  
2 RCW 28B.15.012; creating a new section; providing an effective date;  
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 28B.15.012 and 2002 c 186 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

1 Washington for at least one year immediately prior to commencement of  
2 the semester or quarter for which the student has registered at any  
3 institution;

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

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

17 (e) Any person who has completed the full senior year of high  
18 school and obtained a high school diploma, both at a Washington public  
19 high school or private high school approved under chapter 28A.195 RCW,  
20 or a person who has received the equivalent of a diploma; who has lived  
21 in Washington for at least three years immediately prior to receiving  
22 the diploma or its equivalent; who has continuously lived in the state  
23 of Washington after receiving the diploma or its equivalent and until  
24 such time as the individual is admitted to an institution of higher  
25 education under subsection (1) of this section; and who provides to the  
26 institution an affidavit indicating a willingness to file an  
27 application to become a permanent resident at the earliest opportunity  
28 the individual is eligible to do so and a willingness to engage in any  
29 other activities necessary to acquire citizenship, including but not  
30 limited to citizenship or civics review courses;

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

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

35 ((+g)) (h) A student who resides in the state of Washington and is  
36 the spouse or a dependent of a person who is a member of the Washington  
37 national guard;

1       (~~(h)~~) (i) A student of an out-of-state institution of higher  
2 education who is attending a Washington state institution of higher  
3 education pursuant to a home tuition agreement as described in RCW  
4 28B.15.725; or

5       (~~(i)~~) (j) A student who meets the requirements of RCW  
6 28B.15.0131: PROVIDED, That a nonresident student enrolled for more  
7 than six hours per semester or quarter shall be considered as attending  
8 for primarily educational purposes, and for tuition and fee paying  
9 purposes only such period of enrollment shall not be counted toward the  
10 establishment of a bona fide domicile of one year in this state unless  
11 such student proves that the student has in fact established a bona  
12 fide domicile in this state primarily for purposes other than  
13 educational.

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)(~~(h)~~) (e) or (i) of this section, a nonresident student  
18 shall include:

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

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

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

37       (5) The term "dependent" shall mean a person who is not financially  
38 independent. Factors to be considered in determining whether a person

1 is financially independent shall be set forth in rules and regulations  
2 adopted by the higher education coordinating board and shall include,  
3 but not be limited to, the state and federal income tax returns of the  
4 person and/or the student's parents or legal guardian filed for the  
5 calendar year prior to the year in which application is made and such  
6 other evidence as the board may require.

7 NEW SECTION. **Sec. 2.** It is the intent of the legislature to  
8 ensure that students who receive a diploma from a Washington state high  
9 school or receive the equivalent of a diploma in Washington state and  
10 who have lived in Washington for at least three years prior to  
11 receiving their diploma or its equivalent are eligible for in-state  
12 tuition rates when they enroll in a public institution of higher  
13 education in Washington state.

14 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 July 1, 2003.

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