
SENATE BILL 5158

State of Washington

58th Legislature

2003 Regular Session

By Senators Carlson, McAuliffe, Hewitt, Kohl-Welles, Sheahan, West, Winsley, Johnson, Oke, Hale, Parlette, Mulliken, Brown, Schmidt, B. Sheldon and Shin

Read first time 01/16/2003. Referred to Committee on Higher Education.

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; who is initially admitted to an
22 institution of higher education under subsection (1) of this section
23 within one year of receiving the diploma or its equivalent; and who
24 provides to the institution an affidavit indicating a willingness to
25 file an application to become a permanent resident at the earliest
26 opportunity the individual is eligible to do so;

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

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

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

34 ((+h)) (i) A student of an out-of-state institution of higher
35 education who is attending a Washington state institution of higher
36 education pursuant to a home tuition agreement as described in RCW
37 28B.15.725; or

1 ~~((i))~~ (j) A student who meets the requirements of RCW
2 28B.15.0131: PROVIDED, That a nonresident student enrolled for more
3 than six hours per semester or quarter shall be considered as attending
4 for primarily educational purposes, and for tuition and fee paying
5 purposes only such period of enrollment shall not be counted toward the
6 establishment of a bona fide domicile of one year in this state unless
7 such student proves that the student has in fact established a bona
8 fide domicile in this state primarily for purposes other than
9 educational.

10 (3) The term "nonresident student" shall mean any student who does
11 not qualify as a "resident student" under the provisions of RCW
12 28B.15.012 and 28B.15.013. Except for students qualifying under
13 subsection (2)~~((h))~~ (e) or (i) of this section, a nonresident student
14 shall include:

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

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

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

33 (5) The term "dependent" shall mean a person who is not financially
34 independent. Factors to be considered in determining whether a person
35 is financially independent shall be set forth in rules and regulations
36 adopted by the higher education coordinating board and shall include,
37 but not be limited to, the state and federal income tax returns of the

1 person and/or the student's parents or legal guardian filed for the
2 calendar year prior to the year in which application is made and such
3 other evidence as the board may require.

4 NEW SECTION. **Sec. 2.** It is the intent of the legislature to
5 ensure that students who receive a diploma from a Washington state high
6 school or receive the equivalent of a diploma in Washington state, and
7 enroll in a public institution of higher education in Washington state,
8 are eligible for in-state tuition rates.

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

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