
HOUSE BILL 1778

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Morris, Wood, Jacobsen, Holland, Ogden, Grant, R. Fisher, H. Myers, Riley, Scott and Cooper.

Read first time February 8, 1991. Referred to Committee on Higher Education\Appropriations.

1 AN ACT Relating to resident higher education students; and
2 reenacting and amending RCW 28B.15.012.

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

4 **Sec. 1.** RCW 28B.15.012 and 1987 c 137 s 1 and 1987 c 96 s 1 are
5 each reenacted and amended to read 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: (a) A financially
10 independent student who has had a domicile in the state of Washington
11 for the period of one year immediately prior to the time of
12 commencement of the first day of the semester or quarter for which the
13 student has registered at any institution and has in fact established
14 a bona fide domicile in this state primarily for purposes other than
15 educational; (b) a dependent student, if one or both of the student's

1 parents or legal guardians, or the student's supporting spouse, have
2 maintained a bona fide domicile in the state of Washington for at least
3 one year immediately prior to commencement of the semester or quarter
4 for which the student has registered at any institution; (c) a student
5 classified as a resident based upon domicile by an institution on or
6 before May 31, 1982, who was enrolled at a state institution during any
7 term of the 1982-1983 academic year, so long as such student's
8 enrollment (excepting summer sessions) at an institution in this state
9 is continuous; ~~((or))~~ (d) any student who has spent at least seventy-
10 five percent of both his or her junior and senior years in high schools
11 in this state, whose parents or legal guardians have been domiciled in
12 the state for a period of at least one year within the five-year period
13 before the student graduates from high school, and who enrolls in a
14 public institution of higher education within six months of leaving
15 high school, for as long as the student remains continuously enrolled
16 for three quarters or two semesters in any calendar year ~~((:—PROVIDED,~~
17 ~~That))~~; or (e) an independent or dependent student who is domiciled in
18 this state for less than a year but who also meets two of the following
19 qualifications: (i) The student owns a vehicle currently licensed in
20 this state; (ii) the student holds a valid Washington driver's license;
21 (iii) the student is registered to vote in this state; or (iv) the
22 student is a full-time or part-time employee in this state.

23 A nonresident student enrolled for more than six hours per semester
24 or quarter shall be considered as attending for primarily educational
25 purposes, and for tuition and fee paying purposes only such period of
26 enrollment shall not be counted toward the establishment of a bona fide
27 domicile of one year in this state unless such student proves that the
28 student has in fact established a bona fide domicile in this state
29 primarily for purposes other than 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.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter
4 amended. A nonresident student shall include:

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

9 (b) A person who is not a citizen of the United States of America
10 who does not have permanent or temporary resident status or does not
11 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
12 States immigration and naturalization service or is not otherwise
13 permanently residing in the United States under color of law and who
14 does not also meet and comply with all the applicable requirements in
15 RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or
16 hereafter amended.

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

1 other evidence as the board may require.