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HOUSE BILL 1011

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Appleton, Seaquist, Sells, Zeiger, Ryu, Lias, Hudgins, Morrell, Ormsby, Hansen, Bergquist, Reykdal, Haler, Klippert, Fey, Magendanz, Jinkins, MacEwen, and Hayes

Prefiled 12/05/12. Read first time 01/14/13. Referred to Committee on Higher Education.

1 AN ACT Relating to removing the one-year waiting period for  
2 veterans or active members of the military for the purpose of  
3 eligibility for resident tuition; and amending RCW 28B.15.012.

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

5 **Sec. 1.** RCW 28B.15.012 and 2012 c 229 s 521 are each amended to  
6 read as follows:

7 Whenever used in this chapter:

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 that the individual will 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) Any person who has lived in Washington, primarily for purposes  
32 other than educational, for at least one year immediately before the  
33 date on which the person has enrolled in an institution, and who holds  
34 lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii),  
35 (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse  
36 or child of a person having nonimmigrant status under one of those  
37 subsections, or who, holding or having previously held such lawful

1 nonimmigrant status as a principal or derivative, has filed an  
2 application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

3 (g) A student who is on active military duty stationed in the state  
4 or who is a member of the Washington national guard;

5 (h) A student who is on active military duty or a member of the  
6 national guard who entered service as a Washington resident and who has  
7 maintained Washington as his or her domicile but is not stationed in  
8 the state;

9 (i) A student who is the spouse or a dependent of a person who is  
10 on active military duty (~~(stationed in the state)~~) or a member of the  
11 national guard who entered service as a Washington resident and who has  
12 maintained Washington as his or her domicile but is not stationed in  
13 the state. If the person on active military duty is reassigned out-of-  
14 state, the student maintains the status as a resident student so long  
15 as the student is continuously enrolled in a degree program;

16 ((+i)) (j) A student who resides in the state of Washington and is  
17 the spouse or a dependent of a person who is a member of the Washington  
18 national guard;

19 ((+j)) (k) A student who has separated from the military under  
20 honorable conditions after at least two years of service, and who  
21 enters an institution of higher education in Washington within one year  
22 of the date of separation who:

23 (i) At the time of separation designated Washington as his or her  
24 intended domicile; or

25 (ii) Has Washington as his or her official home of record; or

26 (iii) Moves to Washington and establishes a domicile as determined  
27 in RCW 28B.15.013;

28 (l) A student who is the spouse or a dependent of an individual who  
29 has separated from the military under honorable conditions after at  
30 least two years of service and who enters an institution of higher  
31 education in Washington within one year of the date of separation who:

32 (i) At the time of separation designated Washington as his or her  
33 intended domicile;

34 (ii) Has Washington as his or her official home of record; or

35 (iii) Moves to Washington and establishes a domicile as determined  
36 in RCW 28B.15.013;

37 (m) A student of an out-of-state institution of higher education

1 who is attending a Washington state institution of higher education  
2 pursuant to a home tuition agreement as described in RCW 28B.15.725;

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

12 ~~((l))~~ (o) A student who resides in Washington and is on active  
13 military duty stationed in the Oregon counties of Columbia, Gilliam,  
14 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
15 Union, Wallowa, Wasco, or Washington; or

16 ~~((m))~~ (p) A student who resides in Washington and is the spouse  
17 or a dependent of a person who resides in Washington and is on active  
18 military duty stationed in the Oregon counties of Columbia, Gilliam,  
19 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
20 Union, Wallowa, Wasco, or Washington. If the person on active military  
21 duty moves from Washington or is reassigned out of the Oregon counties  
22 of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas,  
23 Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the  
24 student maintains the status as a resident student so long as the  
25 student resides in Washington and is continuously enrolled in a degree  
26 program.

27 (3) The term "nonresident student" shall mean any student who does  
28 not qualify as a "resident student" under the provisions of this  
29 section and RCW 28B.15.013. Except for students qualifying under  
30 subsection (2)(e) or ~~((j))~~ (m) of this section, a nonresident student  
31 shall include:

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

36 (b) A person who is not a citizen of the United States of America  
37 who does not have permanent or temporary resident status or does not  
38 hold "Refugee-Parolee" or "Conditional Entrant" status with the United

1 States citizenship immigration services or is not otherwise permanently  
2 residing in the United States under color of law and who does not also  
3 meet and comply with all the applicable requirements in this section  
4 and RCW 28B.15.013.

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

12 (5) The term "dependent" shall mean a person who is not financially  
13 independent. Factors to be considered in determining whether a person  
14 is financially independent shall be set forth in rules adopted by the  
15 student achievement council and shall include, but not be limited to,  
16 the state and federal income tax returns of the person and/or the  
17 student's parents or legal guardian filed for the calendar year prior  
18 to the year in which application is made and such other evidence as the  
19 council may require.

20 (6) The term "active military duty" means the person is serving on  
21 active duty in:

22 (a) The armed forces of the United States government; or

23 (b) The Washington national guard; or

24 (c) The coast guard, merchant mariners, or other nonmilitary  
25 organization when such service is recognized by the United States  
26 government as equivalent to service in the armed forces.

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