

SSB 5355 - H COMM AMD
By Committee on Higher Education

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

3 "Sec. 1. RCW 28B.15.012 and 2014 c 183 s 1 are each amended to
4 read as follows:

5 Whenever used in this chapter:

6 (1) The term "institution" shall mean a public university,
7 college, 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
10 the state of Washington for the period of one year immediately prior
11 to the time of commencement of the first day of the semester or
12 quarter for which the student has registered at any institution and
13 has in fact established a bona fide domicile in this state primarily
14 for purposes other than educational;

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

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

33 (e) Any person who has completed the full senior year of high
34 school and obtained a high school diploma, both at a Washington

1 public high school or private high school approved under chapter
2 28A.195 RCW, or a person who has received the equivalent of a
3 diploma; who has lived in Washington for at least three years
4 immediately prior to receiving the diploma or its equivalent; who has
5 continuously lived in the state of Washington after receiving the
6 diploma or its equivalent and until such time as the individual is
7 admitted to an institution of higher education under subsection (1)
8 of this section; and who provides to the institution an affidavit
9 indicating that the individual will file an application to become a
10 permanent resident at the earliest opportunity the individual is
11 eligible to do so and a willingness to engage in any other activities
12 necessary to acquire citizenship, including but not limited to
13 citizenship or civics review courses;

14 (f) Any person who has lived in Washington, primarily for
15 purposes other than educational, for at least one year immediately
16 before the date on which the person has enrolled in an institution,
17 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.
18 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant
19 status as the spouse or child of a person having nonimmigrant status
20 under one of those subsections, or who, holding or having previously
21 held such lawful nonimmigrant status as a principal or derivative,
22 has filed an application for adjustment of status pursuant to 8
23 U.S.C. Sec. 1255(a);

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

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

30 (i) A student who is the spouse or a dependent of a person who is
31 on active military duty or a member of the national guard who entered
32 service as a Washington resident and who has maintained Washington as
33 his or her domicile but is not stationed in the state. If the person
34 on active military duty is reassigned out-of-state, the student
35 maintains the status as a resident student so long as the student is
36 continuously enrolled in a degree program;

37 (j) A student who resides in the state of Washington and is the
38 spouse or a dependent of a person who is a member of the Washington
39 national guard;

1 (k)(i)(A) ~~A student who ((has separated from the military under~~
2 ~~honorable conditions after at least two years of service, and who~~
3 ~~enters)):~~

4 (I) Has separated from the uniformed services with any period of
5 honorable service after at least ninety days of active duty service;

6 (II) Is eligible for benefits under the federal all-volunteer
7 force educational assistance program (38 U.S.C. Sec. 3001 et seq.),
8 the federal post-9/11 veterans educational assistance act of 2008 (38
9 U.S.C. Sec. 3301 et seq.), or any other federal law authorizing
10 educational assistance benefits for veterans; and

11 (III) Enters an institution of higher education in Washington
12 within ~~((one))~~ three years of the date of separation ~~((who:~~

13 ~~(i) At the time of separation designated Washington as his or her~~
14 ~~intended domicile; or~~

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

16 ~~(iii) Moves to Washington and establishes a domicile as~~
17 ~~determined in RCW 28B.15.013;~~

18 ~~(1) A student who is the spouse or a dependent of an individual~~
19 ~~who has separated from the military under honorable conditions after~~
20 ~~at least two years of service who:~~

21 ~~(i) At the time of discharge designates Washington as his or her~~
22 ~~intended domicile; and~~

23 ~~(ii) Has Washington as his or her primary domicile as determined~~
24 ~~in RCW 28B.15.013; and~~

25 ~~(iii) Enters an institution of higher education in Washington~~
26 ~~within one year of the date of discharge)); or~~

27 (B) A student who is a spouse, former spouse, or child, and is
28 entitled to veterans administration educational benefits based on
29 their relationship to an individual who has separated from the
30 uniformed services with any period of honorable service after at
31 least ninety days of active duty service, and who enters an
32 institution of higher education in Washington within three years of
33 the date of separation; or

34 (C) A student who is entitled to veterans administration
35 educational benefits based on their relationship with a deceased
36 member of the uniformed services who completed at least ninety days
37 of active duty service and died in the line of duty, and the student
38 enters an institution of higher education in Washington within three
39 years of the service member's death;

1 (ii) A student who qualifies under (k)(i)(A) through (C) of this
2 subsection and who remains continuously enrolled at an institution of
3 higher education shall retain resident student status;

4 (iii) Nothing in this subsection (2)(k) applies to students who
5 have a dishonorable discharge from the uniformed services, or to
6 students who are the spouse or child of an individual who has had a
7 dishonorable discharge from the uniformed services, unless the
8 student is receiving veterans administration educational assistance
9 benefits;

10 ~~((m))~~ (l) A student of an out-of-state institution of higher
11 education who is attending a Washington state institution of higher
12 education pursuant to a home tuition agreement as described in RCW
13 28B.15.725;

14 ~~((n))~~ (m) A student who meets the requirements of RCW
15 28B.15.0131: PROVIDED, That a nonresident student enrolled for more
16 than six hours per semester or quarter shall be considered as
17 attending for primarily educational purposes, and for tuition and fee
18 paying purposes only such period of enrollment shall not be counted
19 toward the establishment of a bona fide domicile of one year in this
20 state unless such student proves that the student has in fact
21 established a bona fide domicile in this state primarily for purposes
22 other than educational;

23 ~~((o))~~ (n) A student who resides in Washington and is on active
24 military duty stationed in the Oregon counties of Columbia, Gilliam,
25 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
26 Union, Wallowa, Wasco, or Washington; or

27 ~~((p))~~ (o) A student who resides in Washington and is the spouse
28 or a dependent of a person who resides in Washington and is on active
29 military duty stationed in the Oregon counties of Columbia, Gilliam,
30 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
31 Union, Wallowa, Wasco, or Washington. If the person on active
32 military duty moves from Washington or is reassigned out of the
33 Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop,
34 Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or
35 Washington, the student maintains the status as a resident student so
36 long as the student resides in Washington and is continuously
37 enrolled in a degree program.

38 (3) The term "nonresident student" shall mean any student who
39 does not qualify as a "resident student" under the provisions of this
40 section and RCW 28B.15.013. Except for students qualifying under

1 subsection (2)(e) or (~~(m)~~) (1) of this section, a nonresident
2 student shall include:

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

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

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

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

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

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

32 (b) The Washington national guard; or

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

36 (7) The term "active duty service" means full-time duty, other
37 than active duty for training, as a member of the uniformed service
38 of the United States. Active duty service as a national guard member
39 under Title 32 U.S.C. for the purpose of organizing, administering,
40 recruiting, instructing, or training and active service under 32

1 U.S.C. Sec. 502(f) for the purpose of responding to a national
2 emergency is recognized as active duty service.

3 (8) The term "uniformed services" is defined by Title 10 U.S.C.;
4 subsequently structured and organized by Titles 14, 33, and 42
5 U.S.C.; consisting of the United States army, United States marine
6 corps, United States navy, United States air force, United States
7 coast guard, United States public health service commissioned corps,
8 and the national oceanic and atmospheric administration commissioned
9 officer corps.

10 NEW SECTION. Sec. 2. This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of
12 the state government and its existing public institutions, and takes
13 effect July 1, 2015."

14 Correct the title.

EFFECT: Adds that a veteran student needs to be eligible for
federal educational assistance benefits for veterans in order to
qualify as a resident student.

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