
HOUSE BILL 2386

State of Washington

57th Legislature

2002 Regular Session

By Representatives Simpson, Schmidt, Hurst, Benson, Haigh, Barlean, Conway, Bush, Delvin, Miloscia, Linville, Campbell, Talcott, Lovick, Dunn, Esser and Jackley

Read first time 01/16/2002. Referred to Committee on Higher Education.

1 AN ACT Relating to classifying members of the Washington national
2 guard as resident students; amending RCW 28B.15.012; reenacting and
3 amending RCW 28B.15.012 and 28B.101.040; providing an effective date;
4 and providing an expiration date.

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

6 **Sec. 1.** RCW 28B.15.012 and 2000 c 160 s 1 and 2000 c 117 s 1 are
7 each reenacted and amended to read as follows:

8 Whenever used in chapter 28B.15 RCW:

9 (1) The term "institution" shall mean a public university, college,
10 or community college within the state of Washington.

11 (2) The term "resident student" shall mean:

12 (a) A financially independent student who has had a domicile in the
13 state of Washington for the period of one year immediately prior to the
14 time of commencement of the first day of the semester or quarter for
15 which the student has registered at any institution and has in fact
16 established a bona fide domicile in this state primarily for purposes
17 other than educational;

18 (b) A dependent student, if one or both of the student's parents or
19 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) A student who is on active military duty stationed in the state
18 or who is a member of the Washington national guard;

19 (f) A student who is the spouse or a dependent of a person who is
20 (i) on active military duty stationed in the state; or (ii) a member of
21 the Washington national guard;

22 (g) A student of an out-of-state institution of higher education
23 who is attending a Washington state institution of higher education
24 pursuant to a home tuition agreement as described in RCW 28B.15.725; or

25 (h) A student who meets the requirements of RCW 28B.15.0131 or
26 28B.15.0139: PROVIDED, That a nonresident student enrolled for more
27 than six hours per semester or quarter shall be considered as attending
28 for primarily educational purposes, and for tuition and fee paying
29 purposes only such period of enrollment shall not be counted toward the
30 establishment of a bona fide domicile of one year in this state unless
31 such student proves that the student has in fact established a bona
32 fide domicile in this state primarily for purposes other than
33 educational.

34 (3) The term "nonresident student" shall mean any student who does
35 not qualify as a "resident student" under the provisions of RCW
36 28B.15.012 and 28B.15.013. Except for students qualifying under
37 subsection (2)(g) of this section, a nonresident student shall include:

38 (a) A student attending an institution with the aid of financial
39 assistance provided by another state or governmental unit or agency

1 thereof, such nonresidency continuing for one year after the completion
2 of such semester or quarter. This condition shall not apply to
3 students from Columbia, Multnomah, Clatsop, Clackamas, or Washington
4 county, Oregon participating in the border county pilot project under
5 RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

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

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

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

28 **Sec. 2.** RCW 28B.15.012 and 2000 c 117 s 2 are each amended to read
29 as follows:

30 Whenever used in chapter 28B.15 RCW:

31 (1) The term "institution" shall mean a public university, college,
32 or community college within the state of Washington.

33 (2) The term "resident student" shall mean:

34 (a) A financially independent student who has had a domicile in the
35 state of Washington for the period of one year immediately prior to the
36 time of commencement of the first day of the semester or quarter for
37 which the student has registered at any institution and has in fact

1 established a bona fide domicile in this state primarily for purposes
2 other than educational;

3 (b) A dependent student, if one or both of the student's parents or
4 legal guardians have maintained a bona fide domicile in the state of
5 Washington for at least one year immediately prior to commencement of
6 the semester or quarter for which the student has registered at any
7 institution;

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

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

21 (e) A student who is on active military duty stationed in the state
22 or who is a member of the Washington national guard;

23 (f) A student who is the spouse or a dependent of a person who is
24 (i) on active military duty stationed in the state; or (ii) a member of
25 the Washington national guard;

26 (g) A student of an out-of-state institution of higher education
27 who is attending a Washington state institution of higher education
28 pursuant to a home tuition agreement as described in RCW 28B.15.725; or

29 (h) A student who meets the requirements of RCW 28B.15.0131:
30 PROVIDED, That a nonresident student enrolled for more than six hours
31 per semester or quarter shall be considered as attending for primarily
32 educational purposes, and for tuition and fee paying purposes only such
33 period of enrollment shall not be counted toward the establishment of
34 a bona fide domicile of one year in this state unless such student
35 proves that the student has in fact established a bona fide domicile in
36 this state primarily for purposes other than educational.

37 (3) The term "nonresident student" shall mean any student who does
38 not qualify as a "resident student" under the provisions of RCW

1 28B.15.012 and 28B.15.013. Except for students qualifying under
2 subsection (2)(g) of this section, a nonresident 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 completion
6 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 United
10 States immigration and naturalization service 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 RCW 28B.15.012 and 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 financially
22 independent. Factors to be considered in determining whether a person
23 is financially independent shall be set forth in rules and regulations
24 adopted by the higher education coordinating board and shall include,
25 but not be limited to, the state and federal income tax returns of the
26 person and/or the student's parents or legal guardian filed for the
27 calendar year prior to the year in which application is made and such
28 other evidence as the board may require.

29 **Sec. 3.** RCW 28B.101.040 and 1993 sp.s. c 18 s 35 and 1993 c 385 s
30 2 are each reenacted and amended to read as follows:

31 Grants may be used by eligible participants to attend any public or
32 private college or university in the state of Washington that is
33 accredited by an accrediting association recognized by rule of the
34 higher education coordinating board and that has an existing unused
35 capacity. Grants shall not be used to attend any branch campus or
36 educational program established under chapter 28B.45 RCW. The
37 participant shall not be eligible for a grant if it will be used for
38 any programs that include religious worship, exercise, or instruction

1 or to pursue a degree in theology. Each participating student may
2 receive up to two thousand five hundred dollars per academic year, not
3 to exceed the student's demonstrated financial need for the course of
4 study. Resident students as defined in RCW 28B.15.012(2)((+e+)) (f)
5 are not eligible for grants under this chapter.

6 NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30, 2002.

7 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30,
8 2002.

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