

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2386**

Chapter 186, Laws of 2002

57th Legislature  
2002 Regular Session

RESIDENT STUDENTS--NATIONAL GUARD MEMBERS

EFFECTIVE DATE: 6/13/02 - Except section 2, which becomes effective 6/30/02.

Passed by the House March 9, 2002  
Yeas 93 Nays 1

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate March 6, 2002  
Yeas 44 Nays 0

BRAD OWEN  
**President of the Senate**

Approved March 27, 2002

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2386** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

FILED

March 27, 2002 - 9:06 a.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 2386

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

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 on active military duty stationed in the state;

21 (g) A student who resides in the state of Washington and is the  
22 spouse or a dependent of a person who is a member of the Washington  
23 national guard;

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

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

36 (3) The term "nonresident student" shall mean any student who does  
37 not qualify as a "resident student" under the provisions of RCW  
38 28B.15.012 and 28B.15.013. Except for students qualifying under

1 subsection (2)(~~g~~) (h) of this section, a nonresident student shall  
2 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. This condition shall not apply to  
7 students from Columbia, Multnomah, Clatsop, Clackamas, or Washington  
8 county, Oregon participating in the border county pilot project under  
9 RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

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

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  
31 other evidence as the board may require.

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

34 Whenever used in chapter 28B.15 RCW:

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

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

1 (a) A financially independent student who has had a domicile in the  
2 state of Washington for the period of one year immediately prior to the  
3 time of commencement of the first day of the semester or quarter for  
4 which the student has registered at any institution and has in fact  
5 established a bona fide domicile in this state primarily for purposes  
6 other than educational;

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

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

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

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

27 (f) A student who is the spouse or a dependent of a person who is  
28 on active military duty stationed in the state;

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

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

35 (({h})) (i) A student who meets the requirements of RCW  
36 28B.15.0131: PROVIDED, That a nonresident student enrolled for more  
37 than six hours per semester or quarter shall be considered as attending  
38 for primarily educational purposes, and for tuition and fee paying  
39 purposes only such period of enrollment shall not be counted toward the

1 establishment of a bona fide domicile of one year in this state unless  
2 such student proves that the student has in fact established a bona  
3 fide domicile in this state primarily for purposes other than  
4 educational.

5 (3) The term "nonresident student" shall mean any student who does  
6 not qualify as a "resident student" under the provisions of RCW  
7 28B.15.012 and 28B.15.013. Except for students qualifying under  
8 subsection (2)(~~(g)~~) (h) of this section, a nonresident student shall  
9 include:

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

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

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

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

36 **Sec. 3.** RCW 28B.101.040 and 1993 sp.s. c 18 s 35 and 1993 c 385 s  
37 2 are each reenacted and amended to read as follows:

1 Grants may be used by eligible participants to attend any public or  
2 private college or university in the state of Washington that is  
3 accredited by an accrediting association recognized by rule of the  
4 higher education coordinating board and that has an existing unused  
5 capacity. Grants shall not be used to attend any branch campus or  
6 educational program established under chapter 28B.45 RCW. The  
7 participant shall not be eligible for a grant if it will be used for  
8 any programs that include religious worship, exercise, or instruction  
9 or to pursue a degree in theology. Each participating student may  
10 receive up to two thousand five hundred dollars per academic year, not  
11 to exceed the student's demonstrated financial need for the course of  
12 study. Resident students as defined in RCW 28B.15.012(2)((+e)) (f)  
13 are not eligible for grants under this chapter.

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

15 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30,  
16 2002.

Passed the House March 9, 2002.

Passed the Senate March 6, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.