

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6164**

Chapter 128, Laws of 2004

58th Legislature  
2004 Regular Session

RESIDENCY STATUS--MILITARY DEPENDENTS

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 4, 2004  
YEAS 46 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House March 2, 2004  
YEAS 94 NAYS 0

FRANK CHOPP

**Speaker of the House of Representatives**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SENATE BILL 6164** as passed by the  
Senate and the House of  
Representatives on the dates  
hereon set forth.

MILTON H. DOUMIT JR.

**Secretary**

Approved March 24, 2004.

FILED

March 24, 2004 - 3:19 p.m.

GARY F. LOCKE

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 6164**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

**State of Washington                      58th Legislature                      2004 Regular Session**

**By** Senators B. Sheldon, Shin, Kastama, Oke, Swecker, Franklin, Winsley, Rasmussen, Brown, Eide, Kohl-Welles, Haugen, Schmidt, Murray and McAuliffe

Read first time 01/14/2004. Referred to Committee on Higher Education.

1            AN ACT Relating to allowing a student who is a military dependent  
2 to maintain residency status if the person on active military duty is  
3 reassigned out-of-state; 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 2003 c 95 s 1 are each amended to read  
6 as follows:

7            Whenever used in chapter 28B.15 RCW:

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

33 (g) A student who is the spouse or a dependent of a person who is  
34 on active military duty stationed in the state. If the person on  
35 active military duty is reassigned out-of-state, the student maintains  
36 the status as a resident student so long as the student is continuously  
37 enrolled in a degree program;

1 (h) A student who resides in the state of Washington and is the  
2 spouse or a dependent of a person who is a member of the Washington  
3 national guard;

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

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

15 (3) The term "nonresident student" shall mean any student who does  
16 not qualify as a "resident student" under the provisions of RCW  
17 28B.15.012 and 28B.15.013. Except for students qualifying under  
18 subsection (2)(e) or (i) of this section, a nonresident student shall  
19 include:

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

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

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

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

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

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

12 (b) The Washington national guard; or

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

Passed by the Senate March 4, 2004.

Passed by the House March 2, 2004.

Approved by the Governor March 24, 2004.

Filed in Office of Secretary of State March 24, 2004.