

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2543

66th Legislature
2020 Regular Session

Passed by the House March 9, 2020
Yeas 94 Nays 2

**Speaker of the House of
Representatives**

Passed by the Senate March 6, 2020
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2543** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2543

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2020 Regular Session

By House College & Workforce Development (originally sponsored by Representatives Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Davis, Volz, and Ormsby)

READ FIRST TIME 02/03/20.

1 AN ACT Relating to ensuring eligible veterans and their
2 dependents qualify for in-state residency; and amending RCW
3 28B.15.012.

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

5 **Sec. 1.** RCW 28B.15.012 and 2019 c 126 s 1 are each amended to
6 read as follows:

7 Whenever used in this chapter:

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

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

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

18 (b) A dependent student, if one or both of the student's parents
19 or legal guardians have maintained a bona fide domicile in the state
20 of Washington for at least one year immediately prior to commencement

1 of the semester or quarter for which the student has registered at
2 any institution;

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

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

16 (e) Any person who has completed the full senior year of high
17 school and obtained a high school diploma, both at a Washington
18 public high school or private high school approved under chapter
19 28A.195 RCW, or a person who has received the equivalent of a
20 diploma; who has lived in Washington for at least three years
21 immediately prior to receiving the diploma or its equivalent; who has
22 continuously lived in the state of Washington after receiving the
23 diploma or its equivalent and until such time as the individual is
24 admitted to an institution of higher education under subsection (1)
25 of this section; and who provides to the institution an affidavit
26 indicating that the individual will file an application to become a
27 permanent resident at the earliest opportunity the individual is
28 eligible to do so and a willingness to engage in any other activities
29 necessary to acquire citizenship, including but not limited to
30 citizenship or civics review courses;

31 (f) Any person who has lived in Washington, primarily for
32 purposes other than educational, for at least one year immediately
33 before the date on which the person has enrolled in an institution,
34 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.
35 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant
36 status as the spouse or child of a person having nonimmigrant status
37 under one of those subsections, or who, holding or having previously
38 held such lawful nonimmigrant status as a principal or derivative,
39 has filed an application for adjustment of status pursuant to 8
40 U.S.C. Sec. 1255(a);

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

3 (h) A student who is on active military duty or a member of the
4 Washington national guard who (~~entered service as a Washington~~
5 ~~resident and who has maintained Washington as his or her domicile but~~
6 ~~is not stationed in the state~~) meets the following conditions:

7 (i) Entered service as a Washington resident;

8 (ii) Has maintained a Washington domicile; and

9 (iii) Is stationed out-of-state;

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

18 (i) Admitted to an institution before the reassignment and
19 enrolls in that institution for the term the student was admitted; or

20 (ii) Enrolled in an institution and remains continuously enrolled
21 at the institution;

22 (j) A student who is the spouse or a dependent of a person
23 defined in (h) of this subsection;

24 (k) A student who is eligible or entitled to transferred federal
25 post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec.
26 3301 et seq.) benefits based on the student's relationship as a
27 spouse, former spouse, or child to an individual who is on active
28 duty in the uniformed services;

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

32 (~~(l)~~) (m) A student who has separated from the uniformed
33 services with any period of honorable service after at least ninety
34 days of active duty service; is eligible for educational assistance
35 benefits under Title 38 U.S.C.; and enters an institution of higher
36 education in Washington within three years of the date of separation;

37 (~~(m)~~) (n) A student who is on terminal, transition, or
38 separation leave pending separation, or release from active duty,
39 from the uniformed services with any period of honorable service

1 after at least ninety days of active duty service and is eligible for
2 educational assistance benefits under Title 38 U.S.C.;

3 (o) A student who is entitled to veterans administration
4 educational assistance benefits based on the student's relationship
5 as a spouse, former spouse, or child to an individual who has
6 separated from the uniformed services with any period of honorable
7 service after at least ninety days of active duty service, and who
8 enters an institution of higher education in Washington within three
9 years of the service member's date of separation;

10 ~~((n))~~ (p) A student who is the spouse or child to an individual
11 who has separated from the uniformed services with at least ten years
12 of honorable service and at least ninety days of active duty service,
13 and who enters an institution of higher education in Washington
14 within three years of the service member's date of separation;

15 (q) A student who has separated from the uniformed services who
16 was discharged due to the student's sexual orientation or gender
17 identity or expression;

18 (r) A student who is entitled to veterans administration
19 educational assistance benefits based on the student's relationship
20 with a deceased member of the uniformed services who died in the line
21 of duty;

22 ~~((o))~~ (s) A student who is entitled to federal vocational
23 rehabilitation and employment services for veterans with service-
24 connected disabilities under 38 U.S.C. Sec. 3102(a);

25 ~~((p))~~ (t) A student who is defined as a covered individual in
26 38 U.S.C. Sec. 3679(c)(2) as it existed on July 28, 2019, or such
27 subsequent date as the student achievement council may determine by
28 rule;

29 ~~((q))~~ (u) A student of an out-of-state institution of higher
30 education who is attending a Washington state institution of higher
31 education pursuant to a home tuition agreement as described in RCW
32 28B.15.725;

33 ~~((r))~~ (v) A student who meets the requirements of RCW
34 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student
35 enrolled for more than six hours per semester or quarter shall be
36 considered as attending for primarily educational purposes, and for
37 tuition and fee paying purposes only such period of enrollment shall
38 not be counted toward the establishment of a bona fide domicile of
39 one year in this state unless such student proves that the student

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

3 ~~((s))~~ (w) A student who resides in Washington and is on active
4 military duty stationed in the Oregon counties of Columbia, Gilliam,
5 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
6 Union, Wallowa, Wasco, or Washington; or

7 ~~((t))~~ (x) A student who resides in Washington and is the spouse
8 or a dependent of a person ~~((who resides in Washington and is on
9 active military duty stationed in the Oregon counties of Columbia,
10 Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman,
11 Umatilla, Union, Wallowa, Wasco, or Washington))~~ defined in (w) of
12 this subsection. If the person ~~((on active military duty))~~ defined in
13 (w) of this subsection moves from Washington or is reassigned out of
14 the Oregon counties of Columbia, Gilliam, Hood River, Multnomah,
15 Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco,
16 or Washington, the student maintains the status as a resident student
17 so long as the student resides in Washington and is either:

18 (i) Admitted to an institution before the reassignment and
19 enrolls in that institution for the term the student was admitted; or

20 (ii) Enrolled in an institution and ((is)) remains continuously
21 enrolled ((in a degree program)) at the institution.

22 (3) (a) A student who qualifies under subsection (2) ~~((j), (l),~~
23 ~~(m), (n), (o), or (p))~~ (k), (m), (n), (o), (p), (q), (r), (s), or
24 (t) of this section and who remains continuously enrolled at an
25 institution of higher education shall retain resident student status.

26 (b) Nothing in subsection (2) ~~((j), (l), (m), (n), (o), or (p))~~
27 (k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section
28 applies to students who have a dishonorable discharge from the
29 uniformed services, or to students who are the spouse or child of an
30 individual who has had a dishonorable discharge from the uniformed
31 services, unless the student is receiving veterans administration
32 educational assistance benefits.

33 (4) The term "nonresident student" shall mean any student who
34 does not qualify as a "resident student" under the provisions of this
35 section and RCW 28B.15.013. Except for students qualifying under
36 subsection (2) (e) or ~~((q))~~ (u) of this section, a nonresident
37 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
40 thereof, such nonresidency continuing for one year after the

1 completion of such semester or quarter. This condition shall not
2 apply to students from Columbia, Multnomah, Clatsop, Clackamas, or
3 Washington county, Oregon participating in the border county pilot
4 project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

5 (b) A person who is not a citizen of the United States of
6 America, unless the person meets and complies with all applicable
7 requirements in this section and RCW 28B.15.013 and is one of the
8 following:

9 (i) A lawful permanent resident;

10 (ii) A temporary resident;

11 (iii) A person who holds "refugee-parolee," "conditional
12 entrant," or U or T nonimmigrant status with the United States
13 citizenship and immigration services;

14 (iv) A person who has been issued an employment authorization
15 document by the United States citizenship and immigration services
16 that is valid as of the date the person's residency status is
17 determined;

18 (v) A person who has been granted deferred action for childhood
19 arrival status before, on, or after June 7, 2018, regardless of
20 whether the person is no longer or will no longer be granted deferred
21 action for childhood arrival status due to the termination,
22 suspension, or modification of the deferred action for childhood
23 arrival program; or

24 (vi) A person who is otherwise permanently residing in the United
25 States under color of law, including deferred action status.

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

33 (6) The term "dependent" shall mean a person who is not
34 financially independent. Factors to be considered in determining
35 whether a person is financially independent shall be set forth in
36 rules adopted by the student achievement council and shall include,
37 but not be limited to, the state and federal income tax returns of
38 the person and/or the student's parents or legal guardian filed for
39 the calendar year prior to the year in which application is made and
40 such other evidence as the council may require.

1 (7) The term "active military duty" means the person is serving
2 on active duty in:

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

4 (b) The Washington national guard; or

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

8 (8) The term "active duty service" means full-time duty, other
9 than active duty for training, as a member of the uniformed services
10 of the United States. Active duty service as a national guard member
11 under Title 32 U.S.C. for the purpose of organizing, administering,
12 recruiting, instructing, or training and active service under 32
13 U.S.C. Sec. 502(f) for the purpose of responding to a national
14 emergency is recognized as active duty service.

15 (9) The term "uniformed services" is defined by Title 10 U.S.C.;
16 subsequently structured and organized by Titles 14, 33, and 42
17 U.S.C.; consisting of the United States army, United States marine
18 corps, United States navy, United States air force, United States
19 coast guard, United States public health service commissioned corps,
20 and the national oceanic and atmospheric administration commissioned
21 officer corps.

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