
HOUSE BILL 2031

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Ludwig, Mielke, Bray, Rayburn, Jacobsen, Karahalios, Kremen, Miller, Mastin, L. Johnson, Wood, Finkbeiner, Basich, Cothorn, Talcott, Dyer and Conway

Read first time 02/24/93. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; and amending RCW 28B.15.013.

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

3 **Sec. 1.** RCW 28B.15.013 and 1989 c 175 s 79 are each amended to
4 read as follows:

5 (1) The establishment of a new domicile in the state of Washington
6 by a person formerly domiciled in another state has occurred if such
7 person is physically present in Washington primarily for purposes other
8 than educational and can show satisfactory proof that such person is
9 without a present intention to return to such other state or to acquire
10 a domicile at some other place outside of Washington.

11 (2) Unless proven to the contrary it shall be presumed that:

12 (a) The domicile of any person shall be determined according to the
13 individual's situation and circumstances rather than by marital status
14 or sex.

15 (b) A person does not lose a domicile in the state of Washington by
16 reason of residency in any state or country while a member or the
17 spouse or dependent of a member of the civil or military service of
18 this state or of the United States, nor while engaged in the navigation
19 of the waters of this state or of the United States or of the high seas

1 if that person returns to the state of Washington within one year of
2 discharge from said service with the intent to be domiciled in the
3 state of Washington; any resident dependent student who remains in this
4 state when such student's parents, having theretofore been domiciled in
5 this state for a period of one year immediately prior to the time of
6 commencement of the first day of the semester or quarter for which the
7 student has registered at any institution, remove from this state,
8 shall be entitled to continued classification as a resident student so
9 long as such student's attendance (except summer sessions) at an
10 institution in this state is continuous.

11 (3) To aid the institution in deciding whether a student, parent,
12 legally appointed guardian or the person having legal custody of a
13 student is domiciled in the state of Washington primarily for purposes
14 other than educational, the rules and regulations adopted by the higher
15 education coordinating board shall include but not be limited to the
16 following:

17 (a) Registration or payment of Washington taxes or fees on a motor
18 vehicle, mobile home, travel trailer, boat, or any other item of
19 personal property owned or used by the person for which state
20 registration or the payment of a state tax or fee is required will be
21 a factor in considering evidence of the establishment of a Washington
22 domicile.

23 (b) Permanent full time employment in Washington by a person will
24 be a factor in considering the establishment of a Washington domicile.

25 (c) Registration to vote for state officials in Washington will be
26 a factor in considering the establishment of a Washington domicile.

27 (4) After a student has registered at an institution such student's
28 classification shall remain unchanged in the absence of satisfactory
29 evidence to the contrary. A student wishing to apply for a change in
30 classification shall reduce such evidence to writing and file it with
31 the institution. In any case involving an application for a change
32 from nonresident to resident status, the burden of proof shall rest
33 with the applicant. Any change in classification, either nonresident
34 to resident, or the reverse, shall be based upon written evidence
35 maintained in the files of the institution and, if approved, shall take
36 effect the semester or quarter such evidence was filed with the
37 institution: PROVIDED, That applications for a change in
38 classification shall be accepted up to the thirtieth calendar day

- 1 following the first day of instruction of the quarter or semester for
- 2 which application is made.

--- END ---