

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2386

57th Legislature
2002 Regular Session

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

Speaker of the House of Representatives

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

President of the Senate

Approved

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.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2386

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.

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