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**SUBSTITUTE SENATE BILL 6640**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Higher Education (originally sponsored by Senators Rasmussen, Swecker, Snyder, Jacobsen, Franklin, Kohl-Welles, Winsley and Roach)

READ FIRST TIME 02/08/2002.

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 of an out-of-state institution of higher education  
22 who is attending a Washington state institution of higher education  
23 pursuant to a home tuition agreement as described in RCW 28B.15.725; or

24 (h) A student who meets the requirements of RCW 28B.15.0131 or  
25 28B.15.0139: PROVIDED, That a nonresident student enrolled for more  
26 than six hours per semester or quarter shall be considered as attending  
27 for primarily educational purposes, and for tuition and fee paying  
28 purposes only such period of enrollment shall not be counted toward the  
29 establishment of a bona fide domicile of one year in this state unless  
30 such student proves that the student has in fact established a bona  
31 fide domicile in this state primarily for purposes other than  
32 educational.

33 (3) The term "nonresident student" shall mean any student who does  
34 not qualify as a "resident student" under the provisions of RCW  
35 28B.15.012 and 28B.15.013. Except for students qualifying under  
36 subsection (2)(g) of this section, a nonresident student shall include:

37 (a) A student attending an institution with the aid of financial  
38 assistance provided by another state or governmental unit or agency  
39 thereof, such nonresidency continuing for one year after the completion

1 of such semester or quarter. This condition shall not apply to  
2 students from Columbia, Multnomah, Clatsop, Clackamas, or Washington  
3 county, Oregon participating in the border county pilot project under  
4 RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

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

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

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

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

29 Whenever used in chapter 28B.15 RCW:

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

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

33 (a) A financially independent student who has had a domicile in the  
34 state of Washington for the period of one year immediately prior to the  
35 time of commencement of the first day of the semester or quarter for  
36 which the student has registered at any institution and has in fact  
37 established a bona fide domicile in this state primarily for purposes  
38 other than educational;

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

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

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

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

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

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

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

34 (3) The term "nonresident student" shall mean any student who does  
35 not qualify as a "resident student" under the provisions of RCW  
36 28B.15.012 and 28B.15.013. Except for students qualifying under  
37 subsection (2)(g) of this section, a nonresident 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

1 thereof, such nonresidency continuing for one year after the completion  
2 of such semester or quarter.

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

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

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

25 **Sec. 3.** RCW 28B.101.040 and 1993 sp.s. c 18 s 35 and 1993 c 385 s  
26 2 are each reenacted and amended to read as follows:

27 Grants may be used by eligible participants to attend any public or  
28 private college or university in the state of Washington that is  
29 accredited by an accrediting association recognized by rule of the  
30 higher education coordinating board and that has an existing unused  
31 capacity. Grants shall not be used to attend any branch campus or  
32 educational program established under chapter 28B.45 RCW. The  
33 participant shall not be eligible for a grant if it will be used for  
34 any programs that include religious worship, exercise, or instruction  
35 or to pursue a degree in theology. Each participating student may  
36 receive up to two thousand five hundred dollars per academic year, not  
37 to exceed the student's demonstrated financial need for the course of

1 study. Resident students as defined in RCW 28B.15.012(2)((+e+)) (f)  
2 are not eligible for grants under this chapter.

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

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

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