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SENATE BILL 6640

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State of Washington 57th Legislature

2002 Regular Session

By Senators Rasmussen, Swecker, Snyder, Jacobsen, Franklin,  
Kohl-Welles, Winsley and Roach

Read first time 01/23/2002. 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 (i) on active military duty stationed in the state; or (ii) a member of  
21 the Washington national guard;

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

25 (h) A student who meets the requirements of RCW 28B.15.0131 or  
26 28B.15.0139: PROVIDED, That a nonresident student enrolled for more  
27 than six hours per semester or quarter shall be considered as attending  
28 for primarily educational purposes, and for tuition and fee paying  
29 purposes only such period of enrollment shall not be counted toward the  
30 establishment of a bona fide domicile of one year in this state unless  
31 such student proves that the student has in fact established a bona  
32 fide domicile in this state primarily for purposes other than  
33 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. This condition shall not apply to  
3 students from Columbia, Multnomah, Clatsop, Clackamas, or Washington  
4 county, Oregon participating in the border county pilot project under  
5 RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

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

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

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

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

30 Whenever used in chapter 28B.15 RCW:

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

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

34 (a) A financially independent student who has had a domicile in the  
35 state of Washington for the period of one year immediately prior to the  
36 time of commencement of the first day of the semester or quarter for  
37 which the student has registered at any institution and has in fact

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

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

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

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

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

23 (f) A student who is the spouse or a dependent of a person who is  
24 (i) on active military duty stationed in the state; or (ii) a member of  
25 the Washington national guard;

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

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

37 (3) The term "nonresident student" shall mean any student who does  
38 not qualify as a "resident student" under the provisions of RCW

1 28B.15.012 and 28B.15.013. Except for students qualifying under  
2 subsection (2)(g) of this section, a nonresident student shall 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.

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

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

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

29 **Sec. 3.** RCW 28B.101.040 and 1993 sp.s. c 18 s 35 and 1993 c 385 s  
30 2 are each reenacted and amended to read as follows:

31 Grants may be used by eligible participants to attend any public or  
32 private college or university in the state of Washington that is  
33 accredited by an accrediting association recognized by rule of the  
34 higher education coordinating board and that has an existing unused  
35 capacity. Grants shall not be used to attend any branch campus or  
36 educational program established under chapter 28B.45 RCW. The  
37 participant shall not be eligible for a grant if it will be used for  
38 any programs that include religious worship, exercise, or instruction

1 or to pursue a degree in theology. Each participating student may  
2 receive up to two thousand five hundred dollars per academic year, not  
3 to exceed the student's demonstrated financial need for the course of  
4 study. Resident students as defined in RCW 28B.15.012(2)((+e+)) (f)  
5 are not eligible for grants under this chapter.

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

7 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30,  
8 2002.

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