

SSB 5355 - S AMD 473  
By Senator Bailey

ADOPTED 6/24/2015

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 28B.15.012 and 2015 c 55 s 207 are each reenacted  
4 and amended to read as follows:

5 Whenever used in this chapter:

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

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

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

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

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

26 (d) Any student who has spent at least seventy-five percent of  
27 both his or her junior and senior years in high schools in this  
28 state, whose parents or legal guardians have been domiciled in the  
29 state for a period of at least one year within the five-year period  
30 before the student graduates from high school, and who enrolls in a  
31 public institution of higher education within six months of leaving

1 high school, for as long as the student remains continuously enrolled  
2 for three quarters or two semesters in any calendar year;

3 (e) Any person who has completed the full senior year of high  
4 school and obtained a high school diploma, both at a Washington  
5 public high school or private high school approved under chapter  
6 28A.195 RCW, or a person who has received the equivalent of a  
7 diploma; who has lived in Washington for at least three years  
8 immediately prior to receiving the diploma or its equivalent; who has  
9 continuously lived in the state of Washington after receiving the  
10 diploma or its equivalent and until such time as the individual is  
11 admitted to an institution of higher education under subsection (1)  
12 of this section; and who provides to the institution an affidavit  
13 indicating that the individual will file an application to become a  
14 permanent resident at the earliest opportunity the individual is  
15 eligible to do so and a willingness to engage in any other activities  
16 necessary to acquire citizenship, including but not limited to  
17 citizenship or civics review courses;

18 (f) Any person who has lived in Washington, primarily for  
19 purposes other than educational, for at least one year immediately  
20 before the date on which the person has enrolled in an institution,  
21 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.  
22 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant  
23 status as the spouse or child of a person having nonimmigrant status  
24 under one of those subsections, or who, holding or having previously  
25 held such lawful nonimmigrant status as a principal or derivative,  
26 has filed an application for adjustment of status pursuant to 8  
27 U.S.C. Sec. 1255(a);

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

30 (h) A student who is on active military duty or a member of the  
31 national guard who entered service as a Washington resident and who  
32 has maintained Washington as his or her domicile but is not stationed  
33 in the state;

34 (i) A student who is the spouse or a dependent of a person who is  
35 on active military duty or a member of the national guard who entered  
36 service as a Washington resident and who has maintained Washington as  
37 his or her domicile but is not stationed in the state. If the person  
38 on active military duty is reassigned out-of-state, the student  
39 maintains the status as a resident student so long as the student is  
40 continuously enrolled in a degree program;

1 (j) A student who resides in the state of Washington and is the  
2 spouse or a dependent of a person who is a member of the Washington  
3 national guard;

4 (k) A student who has separated from the ~~((military—under  
5 honorable conditions after at least two years of service, and who  
6 enters an institution of higher education in Washington within one  
7 year of the date of separation who:~~

8 ~~(i) At the time of separation designated Washington as his or her  
9 intended domicile; or~~

10 ~~(ii) Has Washington as his or her official home of record; or~~

11 ~~(iii) Moves to Washington and establishes a domicile as  
12 determined in RCW 28B.15.013;~~

13 ~~(l) A student who is the spouse or a dependent of an individual  
14 who has separated from the military under honorable conditions after  
15 at least two years of service who:~~

16 ~~(i) At the time of discharge designates Washington as his or her  
17 intended domicile; and~~

18 ~~(ii) Has Washington as his or her primary domicile as determined  
19 in RCW 28B.15.013; and~~

20 ~~(iii) Enters an institution of higher education in Washington  
21 within one year of the date of discharge)) uniformed services with  
22 any period of honorable service after at least ninety days of active  
23 duty service; is eligible for benefits under the federal all-  
24 volunteer force educational assistance program (38 U.S.C. Sec. 3001  
25 et seq.), the federal post-9/11 veterans educational assistance act  
26 of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law  
27 authorizing educational assistance benefits for veterans; and enters  
28 an institution of higher education in Washington within three years  
29 of the date of separation;~~

30 (l) A student who is entitled to veterans administration  
31 educational assistance benefits based on the student's relationship  
32 as a spouse, former spouse, or child to an individual who has  
33 separated from the uniformed services with any period of honorable  
34 service after at least ninety days of active duty service, and who  
35 enters an institution of higher education in Washington within three  
36 years of the service member's date of separation;

37 (m) A student who is entitled to veterans administration  
38 educational assistance benefits based on the student's relationship  
39 with a deceased member of the uniformed services who completed at  
40 least ninety days of active duty service and died in the line of

1 duty, and the student enters an institution of higher education in  
2 Washington within three years of the service member's death;

3 ((~~m~~)) (n) A student of an out-of-state institution of higher  
4 education who is attending a Washington state institution of higher  
5 education pursuant to a home tuition agreement as described in RCW  
6 28B.15.725;

7 ((~~n~~)) (o) A student who meets the requirements of RCW  
8 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student  
9 enrolled for more than six hours per semester or quarter shall be  
10 considered as attending for primarily educational purposes, and for  
11 tuition and fee paying purposes only such period of enrollment shall  
12 not be counted toward the establishment of a bona fide domicile of  
13 one year in this state unless such student proves that the student  
14 has in fact established a bona fide domicile in this state primarily  
15 for purposes other than educational;

16 ((~~o~~)) (p) A student who resides in Washington and is on active  
17 military duty stationed in the Oregon counties of Columbia, Gilliam,  
18 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
19 Union, Wallowa, Wasco, or Washington; or

20 ((~~p~~)) (q) A student who resides in Washington and is the spouse  
21 or a dependent of a person who resides in Washington and is on active  
22 military duty stationed in the Oregon counties of Columbia, Gilliam,  
23 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
24 Union, Wallowa, Wasco, or Washington. If the person on active  
25 military duty moves from Washington or is reassigned out of the  
26 Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop,  
27 Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or  
28 Washington, the student maintains the status as a resident student so  
29 long as the student resides in Washington and is continuously  
30 enrolled in a degree program.

31 (3)(a) A student who qualifies under subsection (2)(k), (l), or  
32 (m) of this section and who remains continuously enrolled at an  
33 institution of higher education shall retain resident student status.

34 (b) Nothing in subsection (2)(k), (l), or (m) of this section  
35 applies to students who have a dishonorable discharge from the  
36 uniformed services, or to students who are the spouse or child of an  
37 individual who has had a dishonorable discharge from the uniformed  
38 services, unless the student is receiving veterans administration  
39 educational assistance benefits.

1        (4) The term "nonresident student" shall mean any student who  
2 does not qualify as a "resident student" under the provisions of this  
3 section and RCW 28B.15.013. Except for students qualifying under  
4 subsection (2)(e) or (~~(m)~~) (n) of this section, a nonresident  
5 student shall include:

6        (a) A student attending an institution with the aid of financial  
7 assistance provided by another state or governmental unit or agency  
8 thereof, such nonresidency continuing for one year after the  
9 completion of such semester or quarter. This condition shall not  
10 apply to students from Columbia, Multnomah, Clatsop, Clackamas, or  
11 Washington county, Oregon participating in the border county pilot  
12 project under RCW (~~(28B.80.806, 28B.80.807)~~) 28B.76.685, 28B.76.690,  
13 and 28B.15.0139.

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  
17 United States citizenship immigration services 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 this section and RCW 28B.15.013.

21        (~~(4)~~) (5) The term "domicile" shall denote a person's true,  
22 fixed and permanent home and place of habitation. It is the place  
23 where the student intends to remain, and to which the student expects  
24 to return when the student leaves without intending to establish a  
25 new domicile elsewhere. The burden of proof that a student, parent or  
26 guardian has established a domicile in the state of Washington  
27 primarily for purposes other than educational lies with the student.

28        (~~(5)~~) (6) The term "dependent" shall mean a person who is not  
29 financially independent. Factors to be considered in determining  
30 whether a person is financially independent shall be set forth in  
31 rules adopted by the student achievement council and shall include,  
32 but not be limited to, the state and federal income tax returns of  
33 the person and/or the student's parents or legal guardian filed for  
34 the calendar year prior to the year in which application is made and  
35 such other evidence as the council may require.

36        (~~(6)~~) (7) The term "active military duty" means the person is  
37 serving on active duty in:

- 38        (a) The armed forces of the United States government; or  
39        (b) The Washington national guard; or

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

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

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

18 NEW SECTION. Sec. 2. Section 1 of this act is necessary for the  
19 immediate preservation of the public peace, health, or safety, or  
20 support of the state government and its existing public institutions,  
21 and takes effect July 24, 2015."

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22 On page 1, line 3 of the title, after "2014;" strike the  
23 remainder of the title and insert "reenacting and amending RCW  
24 28B.15.012; providing an effective date; and declaring an emergency."

EFFECT: Clarifies that, to qualify for resident student status, a student must be eligible for veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child of a service member who is eligible for resident student status, and that "date of separation" refers to the separation date of the service member, not the student.

Makes the bill effective on July 24, 2015, rather than July 1, 2015.

Adds the word "assistance" to the term "veterans administration educational assistance benefits."

Makes a technical change to reflect House Bill No. 1961 (chapter 55, Laws of 2015), which adds "technical college" to the definition of "institution" effective July 24, 2015.

Makes a technical change to reflect the correct language in the underlying statute, which was recently restored to include an RCW reference and language regarding students in the Border County Pilot Project that had been missing due to a codification error.

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