

2 HB 2386 - S COMM AMD  
3 By Committee on Higher Education

4 ADOPTED 03/06/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 28B.15.012 and 2000 c 160 s 1 and 2000 c 117 s 1 are  
8 each reenacted and amended to read as follows:

9 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

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

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

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

5 (g) A student who resides in the state of Washington and is the  
6 spouse or a dependent of a person who is a member of the Washington  
7 national guard;

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

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

20 (3) The term "nonresident student" shall mean any student who does  
21 not qualify as a "resident student" under the provisions of RCW  
22 28B.15.012 and 28B.15.013. Except for students qualifying under  
23 subsection (2)~~((g))~~ (h) of this section, a nonresident student shall  
24 include:

25 (a) A student attending an institution with the aid of financial  
26 assistance provided by another state or governmental unit or agency  
27 thereof, such nonresidency continuing for one year after the completion  
28 of such semester or quarter. This condition shall not apply to  
29 students from Columbia, Multnomah, Clatsop, Clackamas, or Washington  
30 county, Oregon participating in the border county pilot project under  
31 RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

32 (b) A person who is not a citizen of the United States of America  
33 who does not have permanent or temporary resident status or does not  
34 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
35 States immigration and naturalization service or is not otherwise  
36 permanently residing in the United States under color of law and who  
37 does not also meet and comply with all the applicable requirements in  
38 RCW 28B.15.012 and 28B.15.013.

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

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

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

18 Whenever used in chapter 28B.15 RCW:

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

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

22 (a) A financially independent student who has had a domicile in the  
23 state of Washington for the period of one year immediately prior to the  
24 time of commencement of the first day of the semester or quarter for  
25 which the student has registered at any institution and has in fact  
26 established a bona fide domicile in this state primarily for purposes  
27 other than educational;

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

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

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

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

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

13 (g) A student who resides in the state of Washington and is the  
14 spouse or a dependent of a person who is a member of the Washington  
15 national guard;

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

19 ~~((h))~~ (i) A student who meets the requirements of RCW  
20 28B.15.0131: PROVIDED, That a nonresident student enrolled for more  
21 than six hours per semester or quarter shall be considered as attending  
22 for primarily educational purposes, and for tuition and fee paying  
23 purposes only such period of enrollment shall not be counted toward the  
24 establishment of a bona fide domicile of one year in this state unless  
25 such student proves that the student has in fact established a bona  
26 fide domicile in this state primarily for purposes other than  
27 educational.

28 (3) The term "nonresident student" shall mean any student who does  
29 not qualify as a "resident student" under the provisions of RCW  
30 28B.15.012 and 28B.15.013. Except for students qualifying under  
31 subsection (2)~~((g))~~ (h) of this section, a nonresident student shall  
32 include:

33 (a) A student attending an institution with the aid of financial  
34 assistance provided by another state or governmental unit or agency  
35 thereof, such nonresidency continuing for one year after the completion  
36 of such semester or quarter.

37 (b) A person who is not a citizen of the United States of America  
38 who does not have permanent or temporary resident status or does not  
39 hold "Refugee-Parolee" or "Conditional Entrant" status with the United

1 States immigration and naturalization service or is not otherwise  
2 permanently residing in the United States under color of law and who  
3 does not also meet and comply with all the applicable requirements in  
4 RCW 28B.15.012 and 28B.15.013.

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

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

20 **Sec. 3.** RCW 28B.101.040 and 1993 sp.s. c 18 s 35 and 1993 c 385 s  
21 2 are each reenacted and amended to read as follows:

22 Grants may be used by eligible participants to attend any public or  
23 private college or university in the state of Washington that is  
24 accredited by an accrediting association recognized by rule of the  
25 higher education coordinating board and that has an existing unused  
26 capacity. Grants shall not be used to attend any branch campus or  
27 educational program established under chapter 28B.45 RCW. The  
28 participant shall not be eligible for a grant if it will be used for  
29 any programs that include religious worship, exercise, or instruction  
30 or to pursue a degree in theology. Each participating student may  
31 receive up to two thousand five hundred dollars per academic year, not  
32 to exceed the student's demonstrated financial need for the course of  
33 study. Resident students as defined in RCW 28B.15.012(2)((e)) (f)  
34 are not eligible for grants under this chapter.

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

