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2 AN ACT Relating to in-state tuition for active military stationed  
3 in Washington; and amending RCW 28B.15.012.

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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28B.15.012 and 2009 c 220 s 1 are each amended to  
7 read as follows:

8 Whenever used in chapter 28B.15 RCW:

9 (1) The term "institution" shall mean a public university,  
10 college, 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  
13 the state of Washington for the period of one year immediately prior  
14 to the time of commencement of the first day of the semester or  
15 quarter for which the student has registered at any institution and  
16 has in fact established a bona fide domicile in this state primarily  
17 for purposes other than educational;

18 (b) A dependent student, if one or both of the student's parents  
19 or legal guardians have maintained a bona fide domicile in the state

1 of Washington for at least one year immediately prior to commencement  
2 of 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  
8 institution in this state is continuous;

9 (d) Any student who has spent at least seventy-five percent of  
10 both his or her junior and senior years in high schools in this state,  
11 whose parents or legal guardians have been domiciled in the state for  
12 a 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) Any person who has completed the full senior year of high  
18 school and obtained a high school diploma, both at a Washington public  
19 high school or private high school approved under chapter 28A.195 RCW,  
20 or a person who has received the equivalent of a diploma; who has  
21 lived in Washington for at least three years immediately prior to  
22 receiving the diploma or its equivalent; who has continuously lived in  
23 the state of Washington after receiving the diploma or its equivalent  
24 and until such time as the individual is admitted to an institution of  
25 higher education under subsection (1) of this section; and who  
26 provides to the institution an affidavit indicating that the  
27 individual will file an application to become a permanent resident at  
28 the earliest opportunity the individual is eligible to do so and a  
29 willingness to engage in any other activities necessary to acquire  
30 citizenship, including but not limited to citizenship or civics review  
31 courses;

32 (f) Any person who has lived in Washington, primarily for purposes  
33 other than educational, for at least one year immediately before the  
34 date on which the person has enrolled in an institution, and who holds

1 lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii),  
2 (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse  
3 or child of a person having nonimmigrant status under one of those  
4 subsections, or who, holding or having previously held such lawful  
5 nonimmigrant status as a principal or derivative, has filed an  
6 application for adjustment of status pursuant to 8 U.S.C. Sec.  
7 1255(a);

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

11 (h) A student who is the spouse or a dependent of a person who is  
12 on active military duty and stationed or residing in the state. If  
13 the person on active military duty is reassigned out-of-state, the  
14 student maintains the status as a resident student so long as the  
15 student is continuously enrolled in a degree program;

16 (i) A student who resides in the state of Washington and is the  
17 spouse or a dependent of a person who is a member of the Washington  
18 national guard;

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

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

32 (3) The term "nonresident student" shall mean any student who does  
33 not qualify as a "resident student" under the provisions of this  
34 section and RCW 28B.15.013. Except for students qualifying under

1 subsection (2)(e) or (j) 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  
6 completion 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 this section and RCW 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  
22 financially independent. Factors to be considered in determining  
23 whether a person is financially independent shall be set forth in  
24 rules and regulations adopted by the higher education coordinating  
25 board and shall include, but not be limited to, the state and federal  
26 income tax returns of the person and/or the student's parents or legal  
27 guardian filed for the calendar year prior to the year in which  
28 application is made and such other evidence as the board may require.

29 (6) The term "active military duty" means the person is serving on  
30 active duty in:

31 (a) The armed forces of the United States government; or

32 (b) The Washington national guard; or

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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.

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