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

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

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

Whenever used in chapter 28B.15 RCW:

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

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

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

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state
of Washington for at least one year immediately prior to commencement
of the semester or quarter for which the student has registered at any
institution;
(c) A student classified as a resident based upon domicile by an
institution on or before May 31, 1982, who was enrolled at a state
institution during any term of the 1982-1983 academic year, so long as
such student's enrollment (excepting summer sessions) at an
institution in this state is continuous;
(d) Any student who has spent at least seventy-five percent of
both his or her junior and senior years in high schools in this state,
whose parents or legal guardians have been domiciled in the state for
a period of at least one year within the five-year period before the
student graduates from high school, and who enrolls in a public
institution of higher education within six months of leaving high
school, for as long as the student remains continuously enrolled for
three quarters or two semesters in any calendar year;
(e) Any person who has completed the full senior year of high
school and obtained a high school diploma, both at a Washington public
high school or private high school approved under chapter 28A.195 RCW,
or a person who has received the equivalent of a diploma; who has
lived in Washington for at least three years immediately prior to
receiving the diploma or its equivalent; who has continuously lived in
the state of Washington after receiving the diploma or its equivalent
and until such time as the individual is admitted to an institution of
higher education under subsection (1) of this section; and who
provides to the institution an affidavit indicating that the
individual will file an application to become a permanent resident at
the earliest opportunity the individual is eligible to do so and a
willingness to engage in any other activities necessary to acquire
citizenship, including but not limited to citizenship or civics review
courses;
(f) Any person who has lived in Washington, primarily for purposes
other than educational, for at least one year immediately before the
date on which the person has enrolled in an institution, and who holds
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lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);  
(g) A student who is on active military duty and stationed or residing in the state or who is a member of the Washington national guard;  
(h) A student who is the spouse or a dependent of a person who is on active military duty and stationed or residing in the state. If the person on active military duty is reassigned out-of-state, the student maintains the status as a resident student so long as the student is continuously enrolled in a degree program;  
(i) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;  
(j) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or  
(k) A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.  
(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under
subsection (2)(e) or (j) of this section, a nonresident student shall include:

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

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

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

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

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

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

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