AN ACT Relating to veterans' and their spouses' and dependents' classification as resident students; amending RCW 28B.15.012; and providing an effective date.

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

Sec. 1. RCW 28B.15.012 and 2012 c 229 s 521 are each amended to read as follows:

Whenever used in this chapter:

(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 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 stationed 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 stationed 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;
(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;
(l) A student who resides in Washington and is on active military
duty stationed in the Oregon counties of Columbia, Gilliam, Hood River,
Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union,
Wallowa, Wasco, or Washington; ((ex))
(m) A student who resides in Washington and is the spouse or a
dependent of a person who resides in Washington and is on active
military duty stationed in the Oregon counties of Columbia, Gilliam,
Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
Union, Wallowa, Wasco, or Washington. If the person on active military
duty moves from Washington or is reassigned out of the Oregon counties
of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas,
Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the
student maintains the status as a resident student so long as the
student resides in Washington and is continuously enrolled in a degree
program;
(n) A student who is a military veteran residing in Washington at the time of his or her separation from military service, who is honorably discharged; or

(o) A student who is the spouse or a dependent of a military veteran residing in Washington at the time of his or her separation from military service, who is honorably discharged.

(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 citizenship immigration services 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 adopted by the student achievement council 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 council 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.

(7) The term "military veteran" means the person served in:
   (a) The armed forces of the United States government; or
   (b) The Washington national guard; or
   (c) The coast guard, merchant marines, or other nonmilitary organization if such service is recognized by the United States government as equivalent to service in the armed forces.

NEW SECTION. Sec. 2. This act takes effect August 1, 2013.

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