

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 21, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor April 17, 1979.

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CHAPTER 15

[Substitute House Bill No. 201]

INSTITUTIONS OF HIGHER EDUCATION—RESIDENT STUDENT CLASSIFICATION—APPLICATION

AN ACT Relating to institutions of higher education; and amending section 3, chapter 273, Laws of 1971 ex. sess. as amended by section 2, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.013.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 273, Laws of 1971 ex. sess. as amended by section 2, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a qualified person formerly domiciled in another state has occurred if ((he)) such person is physically present in Washington and can show satisfactory proof that ((he)) such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) Except as provided in subsection (3)(d) of this section, an unemancipated minor shall be classified as a resident student only if ((his)) such minor's parents or legally appointed guardian or person having legal custody shall have established a domicile in this state.

(3) Unless proven to the contrary it shall be presumed that:

(a) The domicile of an unemancipated minor is that of ((his)) such minor's father; or if no father, that of ((his)) such minor's mother; or if there is a legally appointed guardian, that of such guardian: PROVIDED, That if one parent has legal custody of the minor, the domicile of such minor shall be that of such parent except as otherwise provided in subsection (3)(d) of this section.

(b) The domicile of any qualified person, including a married woman, shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

(c) A person does not lose a domicile in the state of Washington by reason of ((his residence)) residency in any state or country while a member of the civil or military service of this state or of the United States, nor while

engaged in the navigation of the waters of this state or of the United States or of the high seas; any resident student who remains in this state when ((his)) such student's parents, having theretofore been domiciled in this state, remove from this state, shall be entitled to classification as a resident student so long as ((his)) such student's attendance (except summer sessions) at an institution in this state is continuous.

(d) The establishment of a domicile in the state of Washington in accordance with the provisions of this section by the parent of a parent-qualified student shall entitle the student to classification as a resident student.

(4) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington the following rules shall be applied:

(a) Failure to register or to pay state taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property for which state registration or the payment of a state tax or fee is required is conclusive evidence of a failure to establish a Washington domicile.

(b) Attendance at an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof is conclusive evidence of a failure to establish a Washington domicile.

(c) Permanent full time employment in Washington by a person will be a factor in considering the establishment of a Washington domicile.

(d) Registration to vote for state officials in Washington will be a factor in considering the establishment of a Washington domicile.

(e) Any person not a citizen of the United States cannot establish a Washington domicile until such person is eligible and has applied for an immigration visa, unless such person is the dependent minor of a parent or legal guardian who is domiciled in Washington.

(5) After a student has registered at an institution ((his)) such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect ((on the first day of)) the semester or quarter ((following the date)) such evidence was filed with the institution: PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. Any determination of

classification shall be considered a ruling on a contested case subject to review only under procedures prescribed by chapter 28B.19 RCW.

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CHAPTER 16

[House Bill No. 413]

SCHOOL DISTRICTS—REAL PROPERTY SALES—NOTICE—PUBLIC HEARING

AN ACT Relating to the common schools; and amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A.58.045.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A.58.045 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

((1)) (a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes ((if the value thereof is thirty-five thousand dollars or less)); and

((2)) (b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property ((if the value of any single parcel thereof is thirty-five thousand dollars or less)).

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by three licensed real estate brokers selected by the board of directors and no sale shall take place