

(10) Section 84.32.120, chapter 15, Laws of 1961 and RCW 84.32.120.

Passed the Senate February 19, 1972.

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CHAPTER 149

[Reengrossed Senate Bill No. 240]

HIGHER EDUCATION--STUDENTS, RESIDENT, NONRESIDENT

AN ACT Relating to institutions of higher education; amending section 2, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.012; amending section 3, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.013; amending section 22, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.620; and declaring an emergency,

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

Section 1. Section 2, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.012 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 student who has had a domicile in the state of Washington for the period of ~~((time required for voting for state officials in this state at))~~ one year immediately prior to the time of commencement of the first day of the semester or quarter for which he has registered at any institution and has in fact established ~~((an intention to become))~~ a bona fide ~~((domiciliary of))~~ domicile in this state for other than educational purposes: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for educational purposes only, 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 he has in fact established a bona fide domicile in this state for other than educational purposes.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere.

(5) The term "minor" shall mean a male or female person who is not deemed and taken to be of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended; the term "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody, and earnings of such minor and whose parents no longer in any way support or maintain such minor.

(6) The term "qualified person" shall mean a person qualified to determine his own domicile. A person of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended, or an emancipated minor is so qualified.

(7) The term "parent-qualified student" shall mean a student having a parent who has a domicile in the state of Washington but who does not have legal custody of the student because of divorce or legal separation.

(8) The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.

Sec. 2. Section 3, chapter 273, Laws of 1971 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 is physically present in Washington and can show satisfactory proof that he 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) ~~((f))~~ (d) of this section, an unemancipated minor shall be classified as a resident student only if his 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) ~~((Residence for one year in the state of Washington shall be satisfactory proof of the establishment of a Washington domicile, except as otherwise provided in subsection (3) (e) of this section.~~

~~(b))~~ (b) The domicile of an unemancipated minor is that of his father; or if no father, that of his 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) ~~((f))~~ (d) of this section.

~~((e))~~ (b) The domicile of ~~((a married woman, unless legally separated, is that of her husband, except that if such woman is married after the commencement of the semester or quarter for which she is registered as a resident student at an institution she shall continue to be classified as a resident student until she ceases to be so registered for a semester or a quarter (except summer session);~~

or unless she moves from Washington and establishes a domicile in another state)) 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.

((d)) (c) A person does not lose a domicile in the state of Washington by reason of his residence 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 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 attendance (except summer sessions) at an institution in this state is continuous.

((e)) Here residence to attend an institution shall not of itself be evidence of the establishment of a Washington domicile: PROVIDED, That attendance at such an institution shall not preclude other proof of the establishment of a Washington domicile.

((f)) (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 ~~((shall))~~ will be ~~((prima facie evidence of))~~ a factor in considering the establishment of a Washington domicile.

(d) Registration to vote for state officials in Washington ~~((shall))~~ will be ~~((prima facie evidence of))~~ 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 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 ((at the time)) on the first day of the ((student's next registration)) semester or quarter following the ((determination of the change by institution authority)) date such evidence was filed with the institution. 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.

Sec. 3. Section 22, chapter 279, Laws of 1971 ex.sess. and RCW 28B.15.620 are each amended as follows;

Veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be exempted from the payment of any increase in tuition and fees as are imposed by this 1971 amendatory act and shall not be required to pay more than the total amount of tuition and fees in effect on March 29, 1971: PROVIDED FURTHER, That for the purposes of this exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on such date as shall thereafter be determined by duly adopted concurrent resolution of the legislature of this state or by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Vietnam ((and who for a period of one year immediately prior to the date of his entry into such service, was a bona fide citizen or resident of the state of Washington)) and who qualify as a resident student under RCW 28B.15.012.

NEW SECTION. Sec. 4. This 1972 amendatory 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 Senate February 15, 1972.

Passed the House February 12, 1972.

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