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CHAPTER 273

[Engrossed Senate Bill No. 594]

INSTITUTIONS OF HIGHER EDUCATION--

STUDENT RESIDENCY REQUIREMENTS

AN ACT Relating to institutions of higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.15.010, chapter 223, Laws of 1969 and RCW 28B.15.010; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

It is the intent of the legislature that the state institutions of higher education shall apply uniform rules as prescribed in sections 2, 3 and 4 of this 1971 amendatory act, and not otherwise, in determining whether students shall be classified as resident students or nonresident students for all tuition and fee purposes.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section 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 the time of commencement of the semester or quarter for which he has registered at any institution and has established an intention to become a bona fide domiciliary of 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 sections 1 through 4 of this 1971 amendatory act.

(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.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section 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) 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) 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) of this section.

(c) 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.

(d) 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.

(e) Mere 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) 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 be prima facie evidence of the establishment of a Washington domicile.

(d) Registration to vote for state officials in Washington shall be prima facie evidence of 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 shall take effect at the time of the student's next registration following the determination of the change by institution authority.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Regardless of age or domicile, the following shall be entitled to classification as resident students:

(1) Any person who is employed not less than twenty hours per week at an institution, and the children and spouses of such persons.

(2) Military personnel and federal employees residing or stationed in the state of Washington, and the children and spouses of such military personnel and federal employees.

(3) All veterans, as defined in RCW 41.04.005, whose final permanent duty station was in the state of Washington so long as such veteran is receiving federal vocational or educational benefits conferred by virtue of his military service.

NEW SECTION. Sec. 5. Section 28B.15.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.010 are each hereby repealed.

NEW SECTION. Sec. 6. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This 1971 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 May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

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CHAPTER 274

[Senate Bill No. 472]

INDUSTRIAL INSURANCE--

PREMIUMS OF BUILDING INDUSTRY EMPLOYERS

AN ACT Relating to premiums of employers for the building and construction industry pertaining to the industrial insurance system; and amending section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050.

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

Section 1. Section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050 are each amended to read as follows:

The premiums of employers of the building industry, which shall include all field activities in connection with the erection, alteration, repairing, or demolishing of any building or buildings or parts thereof or appurtenance thereto, adapted to residential, business, governmental, educational, or manufacturing uses, shall be computed on a base rate only ((and no merit rating credits or penalties shall be given or imposed on such employers)) but appropriate annual dividends shall be returned to such employers based upon a protective premium formula promulgated by the director which encourages accident prevention incentives: PROVIDED, That the total base rate premium shall not exceed one hundred twenty per centum of a rate necessary to assure that premiums assessed against such employers will be neither excessive nor inadequate for payment of all claims incurred by such employers.

Passed the Senate May 4, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 21, 1971.

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CHAPTER 275

[Engrossed Substitute House Bill No. 151]

BUDGET AND APPROPRIATIONS

AN ACT Relating to expenditures by state agencies for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973; designating effective dates for certain appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. That a budget is hereby adopted and subject to the provisions set forth in the following sections the several amounts specified in the following sections, or so much