

# SENATE BILL REPORT

## SB 6299

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As Reported By Senate Committee On:  
Higher Education, January 26, 2000

**Title:** An act relating to resident tuition at institutions of higher education.

**Brief Description:** Changing student classification status for certain nonimmigrant aliens.

**Sponsors:** Senators Kohl-Welles, Sheahan, Shin, Bauer and McAuliffe.

**Brief History:**

**Committee Activity:** Judiciary: 1/17/2000, 1/26/2000 [DPS, DNPS].

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### SENATE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** That Substitute Senate Bill No. 6299 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Bauer, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

**Minority Report:** Do not pass substitute.

Signed by Senator Horn.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Nonresident students in Washington pay a nonresident tuition fees differential. The primary qualification for resident status is domicile in the state for at least one year.

Domicile— is defined as ... 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.— There is a detailed process for determining when a person has established domicile in Washington.

The immigration status of aliens entering the United States depends on the particular circumstances of their entry. There are two broad categories of aliens: immigrant and nonimmigrant. The basic distinction is that immigrant aliens enter with the intent to establish permanent residence (domicile) in the United States while nonimmigrant aliens do not have that intent upon entry.

Some nonimmigrant visa classifications allow them to later form a subjective intent to remain in the United States (establish domicile). Because of this, the United States Supreme Court held that students holding these classifications of visas could not be barred from acquiring in-state status if they otherwise meet the requirements.

Members of a second category of nonimmigrant aliens must specifically have no intention of abandoning residence in a foreign country. Because they are, by definition in federal law,

precluded from forming an intent to remain in the United States, they may not become bona fide domiciles in Washington under Washington law. Therefore, it becomes impossible for them to attain status as resident students for tuition purposes.

Within this category are H- visa holders. These include those: (a) who are coming temporarily to the United States to perform services as a registered nurse, (b) in specific specialty occupations, as a fashion model of distinguished merit and ability, and agricultural laborers for work of a temporary or seasonal nature; (c) who are coming to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country; or (d) who are coming to the United States as trainees in a program not designed primarily to provide productive employment.

**Summary of Substitute Bill:** Students classified as nonimmigrant aliens with "H" visas are defined as "resident students" for tuition fee purposes, if they have either (1) lived and worked in Washington for one year, or (2) if the student is a dependent or spouse of a person who has worked in Washington and both the parent and the dependent or spouse have lived in the state for one year prior to the first day of school.

**Substitute Bill Compared to Original Bill:** The provision that students classified as nonimmigrant aliens with "H" visas are "resident students" if they have spent at least 75 percent of their junior and senior high school years in Washington, have parents who lived in Washington for at least one year during the last five years, and enroll at the postsecondary institution within six months of leaving high school is eliminated.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2000.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** These students have become part of the community by living and working in Washington for over one year. The proposed substitute bill narrows those eligible to families who are presently contributing to the Washington economy.

**Testimony Against:** None.

**Testified:** Tim Washburn, University of Washington (pro).