

# HOUSE BILL REPORT

## HB 1487

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### As Passed House:

March 12, 2009

**Title:** An act relating to classification as a resident student.

**Brief Description:** Regarding resident student classification.

**Sponsors:** Representatives Hunter, Anderson, Kessler, Wallace and Eddy.

### Brief History:

#### Committee Activity:

Higher Education: 2/4/09, 2/20/09 [DP];

Education Appropriations: 2/25/09, 2/26/09 [DP].

#### Floor Activity

Passed House: 3/12/09, 59-38.

### Brief Summary of Bill

- Expands the definition of "resident student" to include persons who hold lawful nonimmigrant status under an H-1, E-3, or L visa and meet other requirements, as well as such persons' spouses and dependents.

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### HOUSE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** Do pass. Signed by 8 members: Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel, Carlyle, Haler and White.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Driscoll and Hasegawa.

**Staff:** Cece Clynch (786-7195)

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### HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS

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**Majority Report:** Do pass. Signed by 11 members: Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Carlyle, Haler, Hunter, Kagi, Probst, Quall and Wallace.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Hope, Assistant Ranking Minority Member; Cox and Rolfes.

**Staff:** Debbie Driver (786-7143)

### **Background:**

#### Resident Student.

Classification as a "resident student" qualifies an individual to receive in-state tuition rates. The statutory definition of "resident student" encompasses several categories of students, including the following:

1. a financially independent student who has established a domicile in the state of Washington for one year immediately prior to the first day of class for which the student has registered and has established such domicile in this state for purposes other than educational;
2. a dependent student whose parent or parents have maintained a domicile in Washington for one year prior to the start of class;
3. a student who has spent at least 75 percent of his or her junior and senior years in a Washington high school and whose parents maintained a domicile in Washington for at least one year in the five-year period preceding the student's enrollment, and who enroll in college within six months of leaving high school;
4. any person who has completed his or her senior year in a Washington high school, received a high school diploma or its equivalent, continuously lived in Washington three years prior to receiving the diploma and continued to live in Washington after receipt, and who provides an affidavit indicating that he or she will file an application to become a permanent resident; and
5. a student who is on active military duty in this state or a member of the Washington National Guard, as well as his or her spouse or dependents.

#### Non-Immigrant Visas.

There are many classifications of nonimmigrant visas issued by the U. S. Department of State. The H-1 is a temporary worker classification that applies to: (1) a person in a specialty occupation which requires the theoretical and practical application of a body of specialized knowledge requiring completion of a specific course of higher education; and, (2) a fashion model. The classification also applies to temporary workers in some programs administered by the U. S. Department of Defense.

The E-3 classification applies to nationals of Australia who enter the United States to work solely in specialty occupations requiring a bachelor's degree or higher, as well as their spouses and children.

The L classification applies to intracompany transferees who, within the previous three years, have been employed continuously for one year and who will be employed by a branch, parent, affiliate, or subsidiary of that same employer in a managerial, executive, or specialized knowledge capacity.

**Summary of Bill:**

The definition of "resident student" for purposes of college and university tuition is expanded to include persons who have lived in Washington, primarily for purposes other than educational, for at least one year and hold either an H-1, E-3, or L visa. The spouse or child of a person holding an H-1, E-3, or L visa also qualifies as a resident student if the spouse or child holds lawful nonimmigrant status. Persons who hold or who have previously held such lawful nonimmigrant status pursuant to an H-1, E-3, or L visa and who have filed an application for a green card are also included in this definition of "resident student."

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2009.

**Staff Summary of Public Testimony (Higher Education):**

(In support) Many of the persons who would pay resident tuition rates under this bill do not earn a lot of money. They and their families are here legally but are unable to afford non-resident tuition. All of these persons are here on long-term visas. Numerous other states allow such visa holders to pay in-state tuition rates. Washington already allows holders of about six different visas to be considered residents. Oregon allows holders of 15 different visas, including the visas covered under this bill, to pay in-state tuition rates. Spouses and children of these visa holders are already unable to work here. Washington appears very unattractive if they also cannot afford to go to school here. As a result, Washington may lose out on attracting the skilled workers it needs. These persons pay taxes to the state, buy homes here, work here, and make friends here. They should be able to pay in-state tuition rates. F and J visa holders should also be entitled to the in-state tuition rate.

(Opposed) None.

**Staff Summary of Public Testimony (Education Appropriations):**

(In support) Many people who come to America work and live here, pay taxes here, and their children attend public schools here. They pay all the same taxes residents pay but when it comes time to go to college they often cannot go because the costs to do so are too high. Individuals in Washington under an H-1, E-3, or L visa must pay non-resident tuition at colleges and universities and many cannot afford the high tuition. The state allows many other categories of individuals the designation of resident for purposes of allowing in-state tuition rate charges. It is often difficult to attract and retain employees when educational opportunities are limited for them and their families' educational opportunities are limited. This is an equity issue and the state should provide this group of individuals an opportunity

to attend college. Individuals in the groups listed in the bill are important to the state, to communities within the state, to research efforts at universities, and to businesses. This bill provides a good opportunity for these individuals to access post-secondary education. The Legislature should consider extending the bill to other immigrants such as those here on F and J visas.

(Opposed) None.

**Persons Testifying** (Higher Education): Representative Hunter, prime sponsor; Lydia Tamez, Microsoft; and David Parsons and Simon Chen, United Autoworkers Local 4121.

**Persons Testifying** (Education Appropriations): Representative Hunter, prime sponsor; George Tierce, Microsoft; and Simon Hsiu-Hung Chen, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America Local 4121.

**Persons Signed In To Testify But Not Testifying** (Higher Education): None.

**Persons Signed In To Testify But Not Testifying** (Education Appropriations): None.