

# SENATE BILL REPORT

## HB 1487

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As of April 2, 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:** Passed House: 3/12/09, 59-38.

**Committee Activity:** Higher Education & Workforce Development: 3/24/09, 3/25/09 [DP-WM, w/oRec].

Ways & Means: 4/02/09.

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### SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker, Ranking Minority Member; Hewitt, Jacobsen, Kastama, McAuliffe, Pflug and Shin.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Stevens.

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

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Tim Yowell (786-7435)

**Background:** Current state law outlines various definitions of "resident student" that would qualify an individual to receive in-state tuition rates. Examples include (1) an individual that 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; (2) a dependent student whose parents have a domicile in Washington for one year prior to the start of class; (3) a student who has spent at least 75 percent of both his or her junior and senior years in in-state high schools, whose parents maintained a domicile in Washington for at least one year in the five-year period preceding the student's enrollment, and who enrolled in college within six months of leaving high school; (4) any person who has completed the senior year, received a diploma or

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its equivalent, continuously lived in Washington three years prior to receiving the diploma, 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, and that student's spouse or dependent.

There are many classifications of nonimmigrant visas issued by the United States Department of State. The H-1B is a temporary worker classification that applies to 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 or as a fashion model. The classification also applies to temporary workers in some programs administered by the 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 Bachelors 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" is expanded for the purposes of determining whether a student pays resident tuition rates at Washington institutions of higher education. An individual qualifies as a "resident student" if the person has lived in Washington for at least one year and holds either an H-1B, E-3, or L visa. The spouse or child of a person holding an H-1B, E-3, or L visa also qualifies as a resident student, if the person holds lawful nonimmigrant status.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony (Higher Education & Workforce Development):** PRO: This will help families who are contributing to the economy. These people have brought rich knowledge with them. The residency statute unfairly discriminates against these productive people. Washington employers bring in talented people from around the world and we need to treat them with respect.

**Persons Testifying (Higher Education & Workforce Development):** PRO: Rob Makin, Microsoft; Maris Thurfjell, Ramanathan Supramanian, Microsoft, University of Washington.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Seventeen other states have similar or more expansive legislation. Washington businesses need to be able to offer the incentive of in-state tuition, especially for spouses and children, in order to compete effectively for the best and brightest foreign workers. The same legislation passed the Senate last year.

**Persons Testifying (Ways & Means):** PRO: DeLee Shoemaker, Microsoft Corporation.