

SENATE BILL REPORT

ESB 5330

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

Title: An act relating to resident tuition for active duty military personnel.

Brief Description: Treating active military personnel as residents for purposes of higher education tuition.

Sponsors: Senators Brown, Goings, Franklin, Patterson, Eide, B. Sheldon, Winsley, Costa, Oke, Bauer and Rasmussen.

Brief History:

Committee Activity: Higher Education: 2/1/99, 2/10/99 [DP]; 1/17/00, 1/26/00 [DPS, DNPS].

Ways & Means: 3/5/99, 3/8/99 [DP].

Passed Senate, 3/16/99, 43-0.

SENATE COMMITTEE ON HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 5330 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: Karen Barrett (786-7711)

Background: The level of tuition required of active duty military personnel, their spouses, and their dependents has been debated in the Legislature a number of times. In 1971, the statutes defining resident and nonresident students were consolidated; the nonresident differential was waived for active duty military and other groups. In the early 1980's, the tuition waiver programs were reviewed to determine whether or not to continue those not based on financial need. In 1982, the waiver of the nonresident fee differential was repealed for the military as a means of generating additional general fund revenue. Projected revenue did not materialize, and in 1984, the waiver was reenacted.

Upon the recommendation of the Higher Education Coordinating Board, the 1992 Legislature made all tuition waiver programs permissive and variable. The community college system chose to grant partial waivers to all students in all waiver categories. Each of the four-year institutions has developed its own methodology for granting the variable and permissive waivers.

In 1993, the Legislature included in the definition of "resident student" the spouses and dependents of active duty military personnel stationed in Washington--thus allowing them to pay tuition and fees at the resident student level. At that time, the active duty military personnel remained in the nonresident category and remained eligible for the permissive and variable waiver of the nonresident tuition differential.

Summary of Substitute Bill: Active duty military personnel stationed in Washington are included in the definition of "resident student" and pay tuition and fees at the resident student level.

Substitute Bill Compared to Original Bill: The category for active duty military personnel is changed from nonresident to resident for tuition purposes. The original, engrossed bill requires public colleges and universities to waive a portion of the nonresident charge by considering the availability of federal education assistance, but in no case would the waived charges bring the assessed charge below the rate paid by resident students.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The original, engrossed bill is ambiguous with respect to waiver calculations. Education assistance through the armed services is linked to tuition charged so any discount contemplated by lawmakers lowers the actual amount the U.S. government would cover. To retain their present status as nonresident and require colleges to waive a portion of the charge means college administrators must calculate the maximum available federal aid in the absence of state relief for each enrolling military student. Clarity, simplicity, and uniformity suggest that Washington should grant resident status, as do 40 other states. Waiver practices in Washington vary because public colleges and universities have different fiscal capacity to provide relief given statutory waiver limits. It is possible that some servicemen and women pay more for the same course across our state, and more than resident classmates. Resident status, if granted, would free up existing waiver capacity for other qualifying students. Further, it would extend educational opportunities beyond those available on base installations; an action which supports the goals articulated in Washington's master plan for higher education. Removing cost barriers invites military personnel to participate and remain in their community at the conclusion of their service period.

Testimony Against: None.

Testified: PRO: Major General Roger Brautigan, HQ I Corps and Ft. Lewis Deputy Commanding General; Jan Vance, AFZH-PAE Education Services Officer, Ft. Lewis; LTC Melanie Reeder, HQ I Corps Public Affairs Office, Ft Lewis; Tony Woods, Dennis Primoli, Veteran Legislative Coalition; Skip Dreps, Northwest Chapter Paralyzed Veterans of America; Kathryn Crum, Washington Student Lobby; Colonel Yosito Smith, 92nd ARW, Fairchild Air Force Base; George Durrie, EWU.