

# HOUSE BILL REPORT

## ESB 5755

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**As Reported by House Committee On:**  
College & Workforce Development

**Title:** An act relating to veteran and national guard tuition waivers.

**Brief Description:** Concerning veteran and national guard tuition waivers.

**Sponsors:** Senators Randall, Hobbs and Wilson, C..

**Brief History:**

**Committee Activity:**

College & Workforce Development: 3/19/19, 3/26/19 [DPA].

**Brief Summary of Engrossed Bill**  
**(As Amended by Committee)**

- Increases tuition waiver credits from 200 to 250 that a child, spouse, or domestic partner of an eligible veteran or National Guard member who became totally disabled, a prisoner of war, missing in action, or who lost his or her life while serving may receive.
- Expands the definition of "eligible veteran or National Guard member" for the purposes of tuition waivers at the public institutions of higher education to include veteran or National Guard members with any discharge status if the sole reason for discharge is due to gender or sexuality.

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### HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass as amended. Signed by 16 members: Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist, Kraft, Mead, Paul, Pollet, Ramos, Rude, Sells, Slatter and Sutherland.

**Staff:** Megan Mulvihill (786-7304).

**Background:**

Tuition Waivers for Veterans or National Guard Members and Dependents.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

State law requires and authorizes public institutions of higher education to grant various tuition and fee waivers. The institutions are limited in their tuition and fee waiver authority in that the total amount of tuition and fee revenues waived, exempted, or reduced may not exceed a percentage of their estimated gross operating fee revenue.

The public institutions of higher education are required to waive undergraduate tuition and fees for children, spouses, and domestic partners of an eligible veteran or National Guard member, who as a result of serving:

- lost his or her life;
- became totally disabled; or
- has a prisoner of war (POW) or missing in action (MIA) status.

In order to be eligible for the tuition waiver, a child must be domiciled in Washington and be between the age of 17 and 26. The spouse or domestic partner must be a Washington domiciliary, not have remarried or entered into another domestic partnership, and must use the tuition waiver within 10 years of the date of death, disability, or determination of POW or MIA status. The child or spouse may receive a tuition waiver until he or she has earned 200 quarter credits, or the equivalent in semester credits.

The public institutions of higher education may also waive tuition for eligible veterans and National Guard members. For the purposes of tuition waivers, "eligible veteran or National Guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a National Guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

#### Military Discharge Classifications.

When a military member is released from their service obligation with the United States Armed Forces, he or she receives a discharge. There are different types of discharge classifications based on why or how the service member left the military. The service member's eligibility for veteran and military benefits, including education benefits, changes based on the discharge he or she receives. There are two categories of discharges: administrative and punitive.

Administrative discharges include:

- *Honorable Discharge*: The service member received a good or excellent rating for their service time and is eligible for all veteran benefits, including the GI Bill.
- *General Discharge, Under Honorable Conditions*: The service member received a satisfactory rating because the individual failed to meet all expectations of conduct, and he or she received a non-judicial punishment to correct the misbehavior or failure to meet standards. The service member is eligible for most veteran and military benefits, including education assistance, but is not eligible for the GI Bill.
- *Other Than Honorable (OTH) Discharge*: The service member failed to meet or violated military conduct standards. Examples for an other than honorable discharge include security violations, conviction by a civilian court with a sentence including prison time, or being found guilty of adultery in a divorce hearing. The service member is not usually eligible for veteran and military benefits.

Punitive discharges include:

- *Bad Conduct Discharge*: This is a punitive discharge imposed by court-martial for only enlisted service members. The service member is not eligible for veteran or military benefits under a general court-martial.
- *Dishonorable Discharge*: The service member committed a serious offense, such as being convicted of murder or sexual assault. All veteran and military benefits are lost.
- *Officer Discharge*: Commissioned officers cannot receive bad conduct discharges or dishonorable discharges, but they can receive a discharge by a general court-martial.
- *Entry Level Separation*: The service member leaves military service before completing at least 180 days. No veteran or military benefits are earned with a service time of less than 180 days, unless the service member was injured or incurred an illness as a result of service.

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### **Summary of Amended Bill:**

The mandatory tuition waiver credit limit is increased from 200 to 250 for children, spouses, and domestic partners of service members who died as a result of service, became totally disabled, or has a POW or MIA designation.

For the purposes of tuition waivers, the definition of "eligible veteran or National Guard member" is expanded to also include veterans or National Guard members who receive any discharge if the sole reason for discharge is due to gender or sexuality.

### **Amended Bill Compared to Engrossed Bill:**

The amended bill removed general discharge under honorable conditions and specified that a veteran or National Guard member may qualify for a tuition waiver if they received any other discharge if the sole reason for discharge is due to gender or sexuality.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) It is time for the Legislature to stand with the troops who have served as they integrate into the community after separating from service. There is an issue with the current credit limit as no student should reach the end of their tuition waiver when they are just shy of completing their degree. Many majors, or students pursuing minors or double majors,

cannot be completed within 200 credits. There were some concerns for expanding the tuition waivers to veterans or National Guard members with discharges other than an honorable discharge. A tuition waiver should not go to those who do not deserve it, but the change from the original bill helps those who were discharged for other reasons that had nothing to do with their service.

(Opposed) None.

**Persons Testifying:** Senator Randall, prime sponsor; Henry Pollet, Associated Students of Western Washington University; and Ted Wicorek, Veterans Legislative Coalition.

**Persons Signed In To Testify But Not Testifying:** None.