

HOUSE BILL REPORT

ESSB 5874

As Passed House - Amended:

March 3, 2022

Title: An act relating to students affiliated with the military.

Brief Description: Concerning residency of students affiliated with the military.

Sponsors: Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Nobles, Randall, Conway, Keiser, Lovelett, Lovick, Nguyen, Stanford, Van De Wege and Wilson, C.).

Brief History:

Committee Activity:

College & Workforce Development: 2/16/22, 2/23/22 [DPA];
Appropriations: 2/25/22, 2/28/22 [DPA(APP w/o CWD)].

Floor Activity:

Passed House: 3/3/22, 97-0.

Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Adds that an active duty military member or their dependent can receive in-state residency as long as the individual enrolls in an institution in WA within three years of being reassigned out of state.
- Expands in-state residency to any individual eligible for federal veterans educational assistance benefits.
- Includes state-registered domestic partners as eligible dependents of active duty military members, National Guard members, reservists, and veterans.
- Adds definitions in the residency statute for "child" and "National Guard."
- Modifies residency for certain students to require that the student must

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

have lived in Washington primarily for reasons other than postsecondary education for a period of one year prior to admission to a higher education institution.

HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen, Paul, Pollet and Sells.

Minority Report: Do not pass. Signed by 2 members: Representatives Chandler and Hoff.

Minority Report: Without recommendation. Signed by 3 members: Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Kraft.

Staff: Megan Mulvihill (786-7304).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on College & Workforce Development. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Kate Henry (786-7349).

Background:

Active duty military members, veterans, and their spouses and dependents can establish residency for in-state tuition in a variety of ways.

Active Duty.

Residency for active duty military members includes those who:

- are stationed in Washington;
- live in Washington and are stationed in an Oregon county that borders Washington;
- are stationed out-of-state, but entered service as a Washington resident and maintained their Washington domicile;

- are Washington National Guard members; or
- are military members on terminal leave from the uniformed services who are eligible for Veterans Affairs (VA) educational assistance benefits, had any period of honorable service, and had at least 90 days of active duty service.

Veterans.

Residency for veterans includes those who:

- had any period of honorable service, had at least 90 days of active duty service, are eligible for VA education assistance benefits and enter an institution within three years of separation from the military;
- are entitled to Chapter 31 Vocational Rehabilitation and Employment benefits; or
- were discharged from the uniformed services due to sexual orientation or gender identity/expression.

Dependents.

Residency for military dependents (spouses, former spouses, and children) includes:

- dependents of active duty military members stationed in Washington or dependents of Washington National Guard members;
- dependents of active duty military members stationed out-of-state who entered service as a Washington resident and maintained their Washington domicile;
- dependents of active duty members who live in Washington and are stationed in an Oregon county that borders Washington;
- those who are entitled to transfer post-9/11 GI Bill benefits based on their relationship to someone on active duty;
- dependents who are entitled to VA educational assistance benefits based on their relationship to a veteran with any period of honorable service who had at least 90 days of active duty service, and the dependent enters an institution within three years;
- dependents who are entitled to VA educational assistance benefits based on their relationship to a deceased member of the uniformed services who died in the line of duty; or
- dependents of a veteran who separated from the uniformed services with at least 10 years of honorable service, 90 days of active duty service, and who enters an institution in Washington within three years of the service member's date of separation.

Title 38 U.S.C.

This is the title of federal code that governs veterans benefits, including educational benefits such as the GI Bill, vocational rehabilitation and employment assistance, and survivors' and dependents educational assistance.

Title 10, Chapter 1606 U.S.C.

This educational benefit is for current members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, Coast Guard Reserve, Army National Guard, and Air National Guard who signed a six-year obligation to serve after June 30, 1985, or, if an

officer, six years in addition to the original obligation.

Summary of Amended Bill:

Residency for active duty military members, National Guard, reservists, and their dependents is modified in the following ways:

- an active duty military member, or their dependent, who is stationed out of state can receive in-state residency as long as the individual enrolls in an institution in Washington within three years of being reassigned out of state;
- an individual eligible for VA educational assistance benefits under Title 38 U.S.C. or Title 10 U.S.C. Chapter 1606 is considered a resident student, regardless of when the individual enrolls in an institution of higher education;
- veterans who have separated or retired from the uniformed services can qualify for in-state residency if they have at least 10 years of honorable service, 90 days of active duty service, and enter an institution within three years of their separation or retirement; and
- state-registered domestic partners of active duty service members, National Guard members, and reservists are considered dependents who are eligible for in-state residency.

The United States Space Force is added to the definition of uniformed services. Definitions for "Washington National Guard" and "child" are also included.

In addition, a change is made to residency for persons who have completed and obtained a high school diploma, or the equivalent, who have continuously lived in the state for at least one year before being admitted to an institution of higher education and sign an affidavit indicating a willingness to become a permanent resident. The reason for living in the state now needs to be primarily for purposes other than postsecondary education in order to qualify for in-state residency.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (College & Workforce Development):

(In support) Education is a powerful, sustainable tool to gain skills and open the door to career pathways, income, and so much more. Removing barriers for military members by increasing college affordability allows spouses, children, and domestic partners of military members to benefit from residency regardless of where the military member is stationed. These individuals dutifully report to service despite having little control over where they are

stationed, which can limit college choices. By providing access to residency for those that have earned the state's commitment and dedication, the state is demonstrating faith and trust in service members.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This proposal helps find ways to serve our military members who serve us, aimed at providing access to residency for military members and their families. Military families face specific struggles. One in five military families is food insecure during the pandemic. This proposal can help convince military members to make Washington their home after service. Clarifying language to align with current and proposed federal language.

(Opposed) None.

Persons Testifying (College & Workforce Development): Senator T'wina Nobles, prime sponsor; and Ruben Flores, Council of Presidents.

Persons Testifying (Appropriations): Ruben Flores, Council of Presidents; and Aaron Czyzewski, Food Lifeline and Washington Military Family Hunger Coalition.

Persons Signed In To Testify But Not Testifying (College & Workforce Development): None.

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