

SENATE BILL REPORT

ESSB 5874

As Amended by House, 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: Higher Education & Workforce Development: 1/25/22, 1/27/22 [DPS-WM].

Ways & Means: 2/04/22, 2/07/22 [DPS (HEWD), w/oRec].

Floor Activity: Passed Senate: 2/12/22, 49-0.

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

Brief Summary of Engrossed First Substitute Bill

- Expands residency for all active duty, veteran, and dependent students who are eligible for educational benefits under Title 38 U.S.C. or Title 10 U.S.C. Chapter 1606.
- Modifies residency for dependents to include spouses, state-registered domestic partners, and dependents of military members including National Guard and reservists.
- Adds a definition for child.
- Modifies residency for certain students to require that the student have lived in Washington for a period of one year prior to enrollment in higher education primarily for reasons other than educational.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE

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.

DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5874 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Staff: Alicia Kinne-Clawson (786-7407)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5874 as recommended by Committee on Higher Education & Workforce Development be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig, Braun, Carlyle, Conway, Dhingra, Gildon, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Hasegawa.

Staff: Michele Alishahi (786-7433)

Background: Active duty service members, veterans, and spouses and dependents can establish residency for tuition benefits in a variety of ways.

Active Duty. Residency for active duty service members includes those who:

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

- live in Washington and are actively using the GI bill or other qualifying educational benefit to pay for at least one course;
- are eligible for VA education assistance benefits and enter school 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 members stationed in Washington or dependents of Washington National Guard members;
- dependents of active duty members stationed out-of-state who entered service as a Washington resident and maintained their Washington domicile;
- those who are entitled to transfer post-9/11 GI bill benefits based on their relationship to someone on active duty;
- veteran dependents who live in Washington and are using post-9/11 GI bill benefits;
- dependents who are entitled to VA educational assistance benefits based on their relationship to a veteran;
- 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;
- dependents of a veteran who separated from the uniformed services with at least ten years of honorable service; or
- people who live in Washington and are dependents of active duty members who live in Washington and are stationed in an Oregon county that borders Washington.

U.S. Code, Title 10, Chapter 1606. 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 Engrossed First Substitute Bill: Residency for active duty service members, including National Guard and reservists is modified in the following ways:

- active duty service members, including National Guard and reservists no longer have to be stationed in Washington to be considered a resident student; and
- active duty, reservist, or National Guard members who are eligible from educational benefits under Title 38 U.S.C. or Title 10 U.S.C. Chapter 1606 are considered resident students.

Residency for veteran students is modified in the following ways:

- veterans who are eligible for educational or rehabilitation benefits under Title 38 U.S.C. or Title 10 U.S.C. Chapter 1606 are considered resident students; and
- veterans who separated or retired from the uniformed services with at least ten years of honorable service and enter an institution within three years of the service member's separation or retirement.

Residency for dependent students is modified in the following ways:

- expands qualified individuals to include spouses, state-registered domestic partners,

- and dependents of military members including National Guard and reservists;
- any dependent eligible for benefits under Title 38 U.S.C. or Title 10 U.S.C. Chapter 1606 are considered resident students; and
- defines child to include a legitimate child, adopted child, stepchild, foster child, or legal dependent.

Residency for students applying under subsection (2)(e) is modified to require that student have lived in Washington for a period of one year prior to enrollment in higher education primarily for reasons other than educational.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill (Higher Education & Workforce Development): *The committee recommended a different version of the bill than what was heard.* PRO: This is legislation that supports the military families across Washington state. I've been a part of a military family for much of my life and I know how much legislation like this can help. This will allow service members and their families to access affordable education to help them access well paying jobs. In addition, this legislation is written to anticipate future federal changes eliminating the need to make changes every single year. They fulfill their due diligence to report where they are assigned to, lets do our due diligence to serve them. What we've learned is there are unique financial pressures that military families face including the high cost of housing. We see this below as one way to eliminate some of the challenges military families face while also opening doors. We want Washington's higher education institutions to be the best choice for military families. While military service members are brought to this state for their service, lets work harder to make this their home.

Persons Testifying (Higher Education & Workforce Development): PRO: Senator T'wina Nobles, Prime Sponsor; Aaron Czyzewski, Food Lifeline/Washington Military Family Hunger Coalition.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This bill is aimed at providing access to those who have earned our support for their service. As you work to increase equity, enactment of these changes is important. Please pass the original bill. A provision was added to this bill which may reduce access for undocumented

students. Improving access for military families is important. The language that was added to the substitute may reduce access for undocumented students. Our coalition is working to resolve this issue.

Persons Testifying (Ways & Means): PRO: Ruben Flores, Council of Presidents; Lizbeth Rivera, The Washington bus; Yazmin Aguilar.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Removes the expansion of in-state residency to all active duty members, National Guard members, reservists, and their dependents, and reverts back to current law to require the individual to be either stationed in Washington, have entered service as a Washington resident and maintained a Washington domicile, or be living in Washington and stationed in an Oregon border county.
- Adds that an active duty military member can receive in-state residency if they are stationed out-of-state after being stationed in Washington, as long as the person is already enrolled, admitted to, or enrolls in an institution in Washington within three years of the reassignment out-of-state.
- Adds that a dependent of an active duty military member can receive in-state residency if the military member is stationed out-of-state, as long as the dependent enrolls in an institution in Washington within three years of the date of reassignment out-of-state.
- Adds back in the provision that in-state residency does not apply to any military member or a dependent if the military member has a dishonorable discharge, unless the individual is receiving federal veteran administration educational assistance benefits.
- Clarifies that a person must be in the state for one year prior to being admitted to an institution of higher education primarily for purposes other than post-secondary education, rather than just education, to qualify for in-state residency.