

SENATE BILL REPORT

ESSB 5355

As Passed Senate, June 24, 2015

Title: An act relating to modifying the definition of resident student to comply with federal requirements established by the veterans access, choice, and accountability act of 2014.

Brief Description: Modifying the definition of resident student to comply with federal requirements established by the veterans access, choice, and accountability act of 2014.

Sponsors: Senate Committee on Higher Education (originally sponsored by Senators Bailey, Kohl-Welles, Roach, Conway, Braun, Baumgartner, Rolfes, O'Ban, McAuliffe and Chase; by request of Governor Inslee).

Brief History:

Committee Activity: Higher Education: 2/05/15, 2/12/15 [DPS-WM].

Ways & Means: 2/23/15, 2/26/15 [DPS(HIE)].

Passed Senate: 3/04/15, 49-0.

First Special Session: Passed Senate: 4/29/15, 44-0.

SENATE COMMITTEE ON HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Bailey, Chair; Baumgartner, Vice Chair; Kohl-Welles, Ranking Minority Member; Becker, Frockt and Liias.

Staff: Evan Klein (786-7483)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5355 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Fraser, Hasegawa, Hatfield, Hewitt, Kohl-Welles, O'Ban, Padden, Parlette, Rolfes, Schoesler and Warnick.

Staff: Michael Bezanson (786-7449)

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.

Background: Washington Resident Students. In 2014 Washington removed the one-year waiting period for veterans for purposes of receiving resident tuition rates at Washington higher education institutions. A Washington state resident student includes a student who has separated from the military under honorable conditions after at least two years of service, and who enters an institution of higher education in Washington within one year of the date of separation who:

- at the time of separation designated Washington as the student's intended domicile;
- has Washington as the student's official home of record; or
- moves to Washington and establishes a domicile.

Students who are the spouse or a dependant of an individual who separated from the military under the aforementioned conditions, are also resident students.

Resident students are eligible for resident tuition rates at institutions of higher education in Washington. With some exceptions, resident students are charged tuition rates that are generally much lower than the tuition rates charged to non-resident students.

Veterans Choice Act. The Veterans Access, Choice and Accountability Act of 2014 (Choice Act) requires states to offer in-state tuition rates to all veterans living in that state who have enrolled at an in-state higher education institution within three years of departing the military. The Secretary of Veterans Affairs must disapprove a course of education for Post-9/11 GI Bill funds disbursement at institutions that do not provide resident tuition to all covered individuals under the Choice Act. A covered individual includes the following:

- a Veteran who lives in state and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more;
- a spouse or child using transferred benefits who lives in state and enrolls in the school within three years of the transferor's discharge from a period of active duty service of 90 days or more; or
- a spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in state and enrolls in the school within three years of the service member's death in the line of duty following a period of active duty service of 90 days or more.

Washington State does not currently provide resident tuition rates to all covered individuals under the Choice Act.

Summary of Engrossed Substitute Bill: The definition of resident student is amended to include the following:

- a student who has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, is eligible for federal veterans education assistance benefits, and who enters an institution of higher education in Washington within three years of separation;
- a student who is a spouse, former spouse, or child and is entitled to veterans administration educational assistance benefits (Benefits) based on their relationship to an individual who has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, and who enters an institution in Washington within three years of separation; or

- a student who is entitled to Benefits based on their relationship with a deceased member of the uniformed services who completed at least 90 days of active duty service and died in the line of duty, and the student enters an institution in Washington within three years of the service members' death.

A qualifying student who remains continuously enrolled at an institution retains resident student status.

These definitions of resident student do not apply to students who have a dishonorable discharge from the uniformed services, unless the student is receiving Benefits.

Active duty service means full-time duty, other than active duty for training, as a member of the uniformed service of the United States. Active duty as a National Guard member for the purpose of organizing, administering, recruiting, instructing, training, or responding to a national emergency is recognized as active duty service.

Uniformed services is defined by Title 10 U.S.C., consisting of the Army, Marine Corps, Navy, Air Force, Coast Guard, Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: July 24, 2015.

Staff Summary of Public Testimony on Original Bill (Higher Education): PRO: This bill is merely a technical correction to legislation passed last year. The correction is needed to align state and federal requirements. Washington needs to match the federal requirements or veterans will lose their benefits under the GI Bill. This proposal would let students continue to attend Washington institutions and use GI Bill funds, and will allow institutions to continue to receive GI Bill funds. The benefits of the GI Bill help veterans realize their dreams of attending college.

Persons Testifying (Higher Education): PRO: Ted Wicorek, Veterans Legislative Coalition; Scott Copeland, State Board for Community and Technical Colleges; Antonio Sanchez, Central WA University; Cody Eccles, Council of Presidents; Jim Baumgart, Office of the Governor; Maddy Thompson, WA Student Achievement Council; Heather Heffelmire, WA Student Assn., Western WA University.

Persons Signed in to Testify But Not Testifying: No one.

Staff Summary of Public Testimony (Ways & Means): PRO: This state has consistently shown strong support for our veterans. We have over 20,000 veterans in our state enrolled in training and higher learning programs. This will be a huge loss if this bill does not pass. The GI bill funds are very important to the community and technical college sector. We see this

loss of revenue as the cost of doing business compared to the millions of dollars that would be lost if the bill does not pass. We also want to emphasize the sense of urgency to pass this bill. The Veterans Administration will stop paying benefits on July 1, 2015.

Persons Testifying (Ways & Means): PRO: Jim Baumgart, Governor's Legislative Affairs and Policy Office; Scott Copeland, State Board for Community and Technical Colleges; Maddy Thompson, WA Student Achievement Council.

Persons Signed in to Testify But Not Testifying: No one.