

# HOUSE BILL REPORT

## ESSB 5874

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

**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].

**Brief Summary of Engrossed Substitute Bill  
(As Amended By Committee)**

- Expands residency for in-state tuition purposes for active duty military, National Guard, reservists, veteran, and dependent students.
- 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 have lived in Washington primarily for reasons other than educational for a period of one year prior to admission to a higher education institution.

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### HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**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).

### **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:

- 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;
- has separated from the uniformed services with at least 10 years of honorable service and at least 90 days of active duty service who enters an institution of higher education within three years of the date of separation;
- 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;
- 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;
- 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; or
- dependents of active duty members who live in Washington and are stationed in an Oregon county that borders Washington.

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.

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**Summary of Amended Bill:**

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

- all active duty military members, including National Guard members and reservists, are eligible for residency and no longer have to be stationed in Washington, stationed in an Oregon border county, or have entered service as a Washington resident; and
- active duty military members, reservist, or National Guard members who are eligible for 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
- adds veterans who have retired to those who 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 the service member's retirement.

Residency for dependent students is modified in the following ways:

- adds state-registered domestic partners of active duty service members, National Guard members, and reservists to dependents who are eligible for in-state residency;
- all spouses, state-registered domestic partners, or dependents of an active duty military member, National Guard member, or reservist are eligible for residency and the service member no longer needs to be stationed in Washington, stationed in an Oregon border county, or have entered service as a Washington resident;
- any dependent eligible for benefits under Title 38 U.S.C. or Title 10 U.S.C. Chapter 1606 are considered resident students;
- a spouse, state-registered domestic partner, or child under the age of 26 of an individual who has separated or retired from the uniformed services with at least 10 years of honorable service, at least 90 days of active duty service, and who enters an institution of higher education within three years of the service member's date of separation or retirement qualifies for in-state residency; and
- defines child to include a legitimate child, adopted child, stepchild, foster child, or legal dependent.

Provisions prohibiting anyone with a dishonorable discharge from the uniformed services from receiving residency under the different military categories is removed.

The United States Space Force is added to the definition of uniformed services. A definition of National Guard is 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. The reason for living in the state now needs to be primarily for purposes other than educational in order to receive in-state residency.

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

The engrossed substitute bill was amended to make technical changes fixing typos and changing the date of reference for federal law from August 27, 2021, to January 18, 2022.

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**Appropriation:** None.

**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) 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.

**Persons Testifying:** Senator T'wina Nobles, prime sponsor; and Ruben Flores, Council of Presidents.

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