

# FINAL BILL REPORT

## ESSB 5874

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Synopsis as Enacted

**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.).

**Senate Committee on Higher Education & Workforce Development**  
**Senate Committee on Ways & Means**  
**House Committee on College & Workforce Development**  
**House Committee on Appropriations**

**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

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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.*

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:** 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 ten 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.

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 postsecondary education.

**Votes on Final Passage:**

Senate	49	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** June 9, 2022