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**SUBSTITUTE SENATE BILL 5393**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Shin, Rockefeller, Schmidt, Kohl-Welles, Pridemore and Kline)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to veterans' relief; amending RCW 73.08.010,  
2 73.08.070, 73.08.080, and 41.04.007; adding new sections to chapter  
3 73.08 RCW; creating a new section; and repealing RCW 73.08.030,  
4 73.08.040, 73.08.050, and 73.08.060.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature that  
7 each county establish a veterans' assistance program to benefit  
8 indigent veterans and their families. These programs must be funded,  
9 at least in part, by veterans' assistance funds. The legislature  
10 intends also for each county to establish a veterans' advisory board  
11 responsible for advising the county legislative authority on needed and  
12 appropriate assistance programs for local indigent veterans and their  
13 families. Recognizing the valuable insight and perspectives that  
14 veterans offer, it is the intent of the legislature that each board be  
15 comprised entirely of veterans.

16 (2) The legislature recognizes that ongoing veterans' relief or  
17 assistance programs in some areas of the state have provided meaningful  
18 assistance to indigent veterans and family members. The legislature  
19 further recognizes that veterans' service organizations have

1 traditionally been the initial point of contact for indigent veterans  
2 and family members seeking assistance. In recognition of these  
3 factors, the legislature intends to authorize, upon the satisfaction of  
4 certain administrative requirements, existing veterans' relief or  
5 assistance programs to continue providing needed and effective  
6 assistance to indigent veterans and their families.

7 (3) The legislature recognizes that counties respond to the needs  
8 of indigent veterans and family members in the manner most appropriate  
9 to the needs and resources of the county. The legislature intends for  
10 the provisions of this act to facilitate the effective use of  
11 assistance funds through efficient model programs that benefit veterans  
12 and family members experiencing financial hardships.

13 (4) It is the policy of the state of Washington that bias shall not  
14 play a role in the distribution of the veterans' assistance fund.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 73.08 RCW  
16 to read as follows:

17 The definitions in this section apply throughout this chapter  
18 unless the context clearly requires otherwise.

19 (1) "Direct costs" includes those allowable costs that can be  
20 readily assigned to the statutory objectives of this chapter,  
21 consistent with the cost principles promulgated by the federal office  
22 of management and budget in circular No. A-87, dated May 10, 2004.

23 (2) "Family" means the spouse, widow, widower, and dependent  
24 children of a living or deceased veteran.

25 (3) "Indigent" means a person who is defined as such by the county  
26 legislative authority using one or more of the following definitions:

27 (a) Receiving one of the following types of public assistance:  
28 Temporary assistance for needy families, general assistance, poverty-  
29 related veterans' benefits, food stamps or food stamp benefits  
30 transferred electronically, refugee resettlement benefits, medicaid, or  
31 supplemental security income;

32 (b) Receiving an annual income, after taxes, of up to one hundred  
33 fifty percent or less of the current federally established poverty  
34 level, or receiving an annual income not exceeding a higher qualifying  
35 income established by the county legislative authority; or

36 (c) Unable to pay reasonable costs for shelter, food, utilities,  
37 and transportation because his or her available funds are insufficient.

1 (4) "Indirect costs" includes those allowable costs that are  
2 generally associated with carrying out the statutory objectives of this  
3 chapter, but the identification and tracking of those costs cannot be  
4 readily assigned to a specific statutory objective without an  
5 accounting effort that is disproportionate to the benefit received. A  
6 county legislative authority may allocate allowable indirect costs to  
7 its veterans' assistance fund if it is accomplished in a manner  
8 consistent with the cost principles promulgated by the federal office  
9 of management and budget in circular No. A-87, dated May 10, 2004.

10 (5) "Veteran" has the same meaning as defined in RCW 41.04.005 and  
11 41.04.007.

12 (6) "Veterans' advisory board" means a board established by a  
13 county legislative authority under the authority of section 4 of this  
14 act.

15 (7) "Veterans' assistance fund" means an account in the custody of  
16 the county auditor, or the chief financial officer in a county  
17 operating under a charter, that is funded by taxes levied under the  
18 authority of RCW 73.08.080.

19 (8) "Veterans' assistance program" means a program approved by the  
20 county legislative authority under the authority of RCW 73.08.010 that  
21 is fully or partially funded by the veterans' assistance fund  
22 authorized by RCW 73.08.080.

23 **Sec. 3.** RCW 73.08.010 and 2002 c 292 s 7 are each amended to read  
24 as follows:

25 (1) For the relief of indigent ~~((and suffering))~~ veterans ~~((as~~  
26 ~~defined in RCW 41.04.007 and))~~, their families ~~((or))~~, and the families  
27 of ~~((those))~~ deceased indigent veterans, ~~((who need assistance in any~~  
28 ~~city, town or precinct in this state,))~~ the legislative authority of  
29 ~~((the))~~ each county ~~((in which the city, town or precinct is situated~~  
30 ~~shall provide such sum or sums of money as may be necessary, to be~~  
31 ~~drawn upon by the commander and quartermaster, or commander and~~  
32 ~~adjutant or commander and service officer of any post, camp or chapter~~  
33 ~~of any national organization of veterans now, or which may hereafter~~  
34 ~~be, chartered by an act of congress in the city or town upon~~  
35 ~~recommendation of the relief committee of said post, camp or chapter:~~  
36 ~~PROVIDED, Said veteran or the families of those deceased are and have~~  
37 ~~been residents of the state for at least twelve months, and the orders~~

1 ~~of said commander and quartermaster, or commander and adjutant or~~  
2 ~~commander and service officer shall be the proper voucher for the~~  
3 ~~expenditure of said sum or sums of money))~~ shall establish a veterans'  
4 assistance program to address the needs of local indigent veterans and  
5 their families. The county legislative authority shall consult with  
6 and solicit recommendations from the veterans' advisory board  
7 established under section 4 of this act to determine the appropriate  
8 services needed for local indigent veterans. Veterans' assistance  
9 programs shall be funded, at least in part, by the veterans' assistance  
10 fund created under the authority of RCW 73.08.080.

11 (2) The county legislative authority may authorize other entities  
12 to administer a veterans' assistance program or programs through  
13 grants, contracts, or interlocal agreements. If the county legislative  
14 authority authorizes another entity to administer a veterans'  
15 assistance program or programs, the terms of the grant, contract, or  
16 interlocal agreement must, for each program, specify:

- 17 (a) The details of the program;
- 18 (b) The responsibilities of all parties;
- 19 (c) The duration of the program;
- 20 (d) The costs and sources of funding;
- 21 (e) Any insurance or bond requirements;
- 22 (f) The format and frequency of progress and final reports; and
- 23 (g) Any other information deemed necessary or appropriate by either  
24 party.

25 (3) If the county legislative authority authorizes another entity  
26 to administer a veterans' assistance program or programs, the  
27 authorized entity should, to the extent feasible and consistent with  
28 this chapter, ensure that a local branch of a nationally recognized  
29 veterans' service organization is the initial point of contact for a  
30 veteran or family member seeking assistance.

31 (4) Nothing in this section shall prohibit or be construed as  
32 prohibiting a county from authorizing the continued operation of a  
33 veterans' relief or assistance program or programs existing on January  
34 1, 2005, if the authorizing legislative authority:

35 (a) Solicits advice from the veterans' advisory board established  
36 in section 4 of this act; and

37 (b) Satisfies the grant, contractual, or interlocal agreement  
38 requirements of subsection (2) of this section.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 73.08 RCW  
2 to read as follows:

3        (1) The legislative authority for each county must establish a  
4 veterans' advisory board. Upon its establishment, the board shall  
5 advise the county legislative authority on the needs of local indigent  
6 veterans, the resources available to local indigent veterans, and  
7 programs that could benefit the needs of local indigent veterans and  
8 their families.

9        (2) The county legislative authority must solicit representatives  
10 from either local branches of nationally recognized veterans' service  
11 organizations or the veterans' community at large, or both, to serve on  
12 the board. No fewer than a majority of the board members shall be  
13 members from nationally recognized veterans' service organizations and  
14 only veterans are eligible to serve as board members.

15        (3) Service on the board is voluntary. The county legislative  
16 authority may provide for reimbursement to board members for expenses  
17 incurred.

18        **Sec. 5.**    RCW 73.08.070 and 2002 c 292 s 9 are each amended to read  
19 as follows:

20        (~~It shall be the duty of~~) (1) The legislative authority (~~(in each~~  
21 ~~of the counties in this state to)~~) for each county must designate  
22 ~~((some))~~ a proper authority (~~(other than the one designated by law for~~  
23 ~~the care of paupers and the custody of criminals who shall cause to be~~  
24 ~~interred)~~) to be responsible, at the expense of the county (~~(the body~~  
25 ~~of any honorably discharged veterans as defined in RCW 41.04.007 and~~  
26 ~~the wives, husbands, minor children, widows or widowers of such~~  
27 ~~veterans, who shall hereafter die)), for the burial or cremation of any  
28 deceased indigent veteran or deceased family member of an indigent  
29 veteran who died without leaving means sufficient to defray funeral  
30 expenses(~~(; and when requested so to do by the commanding officer of~~  
31 ~~any post, camp or chapter of any national organization of veterans now,~~  
32 ~~or which may hereafter be, chartered by an act of congress or the~~  
33 ~~relief committee of any such posts, camps or chapters: PROVIDED,~~  
34 ~~HOWEVER, That such interment shall not cost more than)). The costs of  
35 such a burial or cremation may not exceed the limit established by the  
36 county legislative authority nor be less than three hundred dollars.~~~~

1        (2) If the deceased has relatives or friends who desire to conduct  
2 the burial or cremation of such deceased person, then (~~upon request of~~  
3 ~~said commander or relief committee~~) a sum not to exceed the limit  
4 established by the county legislative authority nor less than three  
5 hundred dollars shall be paid to (~~said~~) the relatives or friends by  
6 the county (~~treasurer, upon~~) auditor, or by the chief financial  
7 officer in a county operating under a charter. Payment shall be made  
8 to the relatives or friends upon presenting to the auditor or chief  
9 financial officer due proof of the death (~~and~~), burial (~~of any~~  
10 person provided for by this section and proof of expenses incurred) or  
11 cremation, and expenses incurred.

12        (3) Expenses incurred for the burial or cremation of a deceased  
13 indigent veteran or the deceased family member of an indigent veteran  
14 as provided by this section shall be paid from the veterans' assistance  
15 fund authorized by RCW 73.08.080.

16        **Sec. 6.** RCW 73.08.080 and 1985 c 181 s 2 are each amended to read  
17 as follows:

18        (1) The legislative (~~authorities of the several counties in this~~  
19 state)) authority in each county shall levy, in addition to the taxes  
20 now levied by law, a tax in a sum equal to the amount which would be  
21 raised by not less than one and one-eighth cents per thousand dollars  
22 of assessed value, and not greater than twenty-seven cents per thousand  
23 dollars of assessed value against the taxable property of their  
24 respective counties, to be levied and collected as now prescribed by  
25 law for the assessment and collection of taxes, for the purpose of  
26 creating (~~the veteran's~~) a veterans' assistance fund (~~for the relief~~  
27 of honorably discharged veterans as defined in RCW 41.04.005 and the  
28 indigent wives, husbands, widows, widowers and minor children of such  
29 indigent or deceased veterans, to be disbursed for such relief by such  
30 county legislative authority: PROVIDED, That if)). Expenditures from  
31 the veterans' assistance fund, and interest earned on balances from the  
32 fund, may be used only for:

33        (a) The veterans' assistance programs authorized by RCW 73.08.010;

34        (b) The burial or cremation of a deceased indigent veteran or  
35 deceased family member of an indigent veteran as authorized by RCW  
36 73.08.070; and

1       (c) The direct and indirect costs incurred in the administration of  
2 the fund as authorized by subsection (2) of this section.

3       (2) If the funds on deposit(~~(, less outstanding warrants,~~  
4 residing)) in the ((~~veteran's~~)) veterans' assistance fund, less  
5 outstanding warrants, on the first Tuesday in September exceed the  
6 expected yield of one and one-eighth cents per thousand dollars of  
7 assessed value against the taxable property of the county, the county  
8 legislative authority may levy a lesser amount(~~(: PROVIDED FURTHER,~~  
9 ~~That the)).~~ The direct and indirect costs incurred in the  
10 administration of ((~~said veteran's~~)) the veterans' assistance fund  
11 shall be computed by the county ((~~treasurer~~)) auditor, or the chief  
12 financial officer in a county operating under a charter, not less than  
13 annually ((~~and such amount~~)). Following the computation of these  
14 direct and indirect costs, an amount equal to these costs may then be  
15 transferred from the ((~~veteran's~~)) veterans' assistance fund ((as  
16 herein provided for)) to the county current expense fund.

17       (3) The amount of a levy allocated to the purposes specified in  
18 this section may be reduced in the same proportion as the regular  
19 property tax levy of the county is reduced by chapter 84.55 RCW.

20       **Sec. 7.** RCW 41.04.007 and 2002 c 292 s 2 are each amended to read  
21 as follows:

22       "Veteran" includes every person, who at the time he or she seeks  
23 the benefits of RCW 72.36.030, 41.04.010, 73.04.090, 73.04.110,  
24 73.08.010, ((~~73.08.060,~~)) 73.08.070, or 73.08.080 has received an  
25 honorable discharge or received a discharge for medical reasons with an  
26 honorable record, where applicable, and who has served in at least one  
27 of the following capacities:

28       (1) As a member in any branch of the armed forces of the United  
29 States, including the national guard and armed forces reserves, and has  
30 fulfilled his or her initial military service obligation;

31       (2) As a member of the women's air forces service pilots;

32       (3) As a member of the armed forces reserves, national guard, or  
33 coast guard, and has been called into federal service by a presidential  
34 select reserve call up for at least one hundred eighty cumulative days;

35       (4) As a civil service crewmember with service aboard a U.S. army  
36 transport service or U.S. naval transportation service vessel in  
37 oceangoing service from December 7, 1941, through December 31, 1946; or

1 (5) As a member of the Philippine armed forces/scouts during the  
2 period of armed conflict from December 7, 1941, through August 15,  
3 1945.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 73.08 RCW  
5 to read as follows:

6 The department of social and health services shall exempt payments  
7 provided under sections 2 and 4 of this act and RCW 73.08.010,  
8 73.08.070, and 73.08.080 when determining eligibility for public  
9 assistance.

10 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each  
11 repealed:

12 (1) RCW 73.08.030 (Procedure where no veterans' organization in  
13 precinct) and 1983 c 295 s 2, 1947 c 180 s 2, 1945 c 144 s 2, 1921 c 41  
14 s 2, 1907 c 64 s 2, & 1888 p 208 s 2;

15 (2) RCW 73.08.040 (Notice of intention to furnish relief--Annual  
16 statement) and 1947 c 180 s 3, 1945 c 144 s 3, 1921 c 41 s 3, 1907 c 64  
17 s 3, & 1888 p 209 s 3;

18 (3) RCW 73.08.050 (Performance bond may be required) and 1983 c 295  
19 s 3, 1947 c 180 s 4, 1945 c 144 s 4, 1921 c 41 s 4, 1907 c 64 s 4, &  
20 1888 p 209 s 4; and

21 (4) RCW 73.08.060 (Restrictions on sending veterans or families to  
22 almshouses, etc.) and 2002 c 292 s 8, 1983 c 295 s 4, 1947 c 180 s 5,  
23 1945 c 144 s 5, 1919 c 83 s 5, 1907 c 64 s 5, & 1888 p 209 s 5.

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